

You are requested to attend a meeting of the Standards Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 20 October 2009 at 14:30.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Standards Committee held on 11 August 2009 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 Ethical Governance Toolkit. Report of the Monitoring Officer (attached).
- 6 Joint Standards Committees. Report of the Monitoring Officer (attached).
- 7 Probity in Planning. A copy of the updated guidance for Members of the Council's Planning Committee is attached for formal approval by the Committee.
- 8 Feedback from the Chairman and Vice-Chairman from their recent meeting with the political Group Leaders and the Chief Executive.
- 9 Assessing the impact of Standards Committees. A copy of the draft report prepared by Professor Alan Lawton and Dr Michael Macaulay is attached for information. Of particular interest will be Case Study 2 on page 10 of the report.
- 10 Feedback from the 2009 Annual Assembly of Standards Committees held in Birmingham on 12 and 13 October 2009.
- 11 Parish Issues. Parish Liaison Officer to report.
- 12 The Forward Plan of the Standards Committee (attached).
- 13 Date of next meeting.

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be

disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 14 Update on complaints made against Councillors under the Local Standards Framework. Report of the Monitoring Officer (attached).  
Clause 12 - Legal Advice

Tonya Meers  
Legal and Democratic Services Manager

03 December 2009

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

**Standards Committee Members:-**

Councillor D House  
Councillor J Allgrove  
Councillor S Brooks

## **Standards Committee – 11 August 2009**

Minutes of a meeting of the Standards Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 11 August 2009 at 2.30 p.m.

Present: Mrs A Elder (Chairman)  
Mr M Stanbury (Vice-Chairman)  
Councillors Mrs Allgrove, Brooks and House  
Mr P Malim OBE, Mr L Rogers and Mr B Wilson

Officers: Mrs T Meers (Monitoring Officer), Mr D Greig (Parish Liaison Officer) and Mr R Bryant (Democratic Services Manager)

### **27. Apologies**

Mr A Cottrell, Mr D Macey, Mr M Marshall and Mr R Symons

### **28. Minutes**

The minutes of the previous meeting of the Committee held on 16 July 2009 were taken as read and were signed.

### **29. Declaration of Interests**

Councillor Mrs Allgrove declared a personal interest as Chairman of the Somerset Association of Local Councils. Councillor Brooks declared a personal interest as a Member of Somerset County Council.

### **30. Gifts and Hospitality – Register of Interests**

The Monitoring Officer, Tonya Meers, submitted for comment and approval details of a number of amendments made to the Staff Handbook in respect of gifts and hospitality.

The South West Audit Partnership (SWAP) had produced a report following an audit of gifts and hospitality to ensure that there was robust and up to date policies and procedures in place to guide staff and Members on the need to record any offer of gifts and hospitality. In addition, SWAP was also keen for the policy and procedure to be communicated to, and understood by, both staff and Members.

Although SWAP had been generally happy with the way in which the gifts and hospitality process was operated, they had made a number of recommendations which would tighten up the Council's procedures.

Whilst most of these recommendations had already been actioned, one of the recommendations (1.1) had called for a review of the Council's current policy and processes.

Reported that this had been carried out resulting in a number of suggested amendments being proposed to the Staff Handbook and the process to be followed by staff. Details of these amendments were reported.

The Corporate Management Team, Human Resources and Unison had all been consulted on these proposed changes. No objections were anticipated .

**Resolved** that the changes to the Staff Handbook and process in respect of gifts and hospitality be approved.

### **31. Granting of Dispensations to Councillors**

Reference Minute No. 19/2009, Mrs Meers reported that she had investigated whether the granting of dispensations could be delegated to her as the Monitoring Officer, in consultation with the Chairman of the Standards Committee, to enable decisions to be taken at short notice.

Mrs Meers reported however that this would not be possible. The Committee could however delegate such decisions to a smaller Sub-Committee. However, she added that any Sub-Committee would still be bound by the rules relating to the calling of meetings.

The general feeling was that a Sub-Committee, comprising the Chairman, Vice-Chairman, one further Independent Member, one Councillor and one Parish Council representative, would be preferable than having to either wait for a meeting of the main Committee to come around or calling a special meeting of that Committee.

Mrs Meers reported that she would prepare a suitable change to the wording of the Council's Constitution and would e-mail it to Members of the Standards Committee for comment prior to its consideration by the Constitutional Sub-Committee.

### **32. Probity in Planning**

Reference Minute No. 20/2009, Peter Malim reported on the early progress that had been made in comparing the recently issued guidance issued by the Local Government Association concerning Probity in Planning with existing guidance.

He felt it would be appropriate to attend a forthcoming meeting of the Planning Committee to introduce himself to Members and explain the task he and Robert Symons were undertaking.

The Committee agreed to this suggestion.

### **33. Members Register of Interests on the Website**

Mrs Meers reported that the Audit Commission had recently sought her views as to whether the information contained in the Members Register of Interests should be published on the website. She explained that the Audit Commission was looking at this from the Ethical Governance Framework viewpoint.

Before submitting a response she felt it appropriate to ask the Standards Committee for its views.

Members were opposed to the publication of this information for the following reasons:-

- It could result in some declarations not being made;
- As Councillors were required to fully complete the annual forms, the non-declaration of items could lead to trouble in the future; and
- It would be a huge task if the interests of all 347 Parish Councillors also had to be published.

The Committee was of the opinion that the status quo should be maintained, although there would be no objection to the website making it clear to members of the public that the Register was a document which was available for viewing.

### **34. Further Training for Parish Councils**

The Vice-Chairman, Maurice Stanbury, reported that he was aware that a proportion of Parish Councillors in Taunton Deane had not received any Code of Conduct training. In many cases the Councillors concerned had simply missed the training originally provided by the Parish Liaison Officer, David Greig.

Mrs Meers reported that with the Code likely to be updated shortly, this would give David Greig the opportunity to revisit all of the Parishes to deliver further training.

### **35. Exclusion of the Press and Public**

**Resolved** that the press and public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 of Schedule 12A to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

### **36. Update on complaints made against Councillors**

Mrs Meers circulated an updated spreadsheet which outlined the current position relating to complaints that had been received to date against

Councillors under the Local Standards Framework. A total of six complaints had been received, all which related to Borough Councillors.

As previously reported, two of the complaints had been through hearings resulting in sanctions being imposed. In the case relating to Councillor Stone (Minute No. 23/2009 refers), it was now understood that the apology he was required to make to Councillors would be made at the next meeting of Full Council on 6 October 2009.

Two complaints had not been proceeded with due to lack of information in the first case and because the complaint had been withdrawn in the second.

One complaint had been considered by the Consideration and Hearings Sub-Committee and the decision had been taken to refer the complaint to the Adjudication Panel. Another complaint was due to be considered by the Consideration and Hearings Sub-Committee shortly.

Having recently been re-elected to the Somerset County Council, Councillor Brooks drew to the attention of the Committee the matter of malicious comments/statements being made in the run up to an election. These comments/statements were aimed at candidates usually by other candidates who were often sitting Councillors.

He understood that Standards for England had been approached about this but they had stated that such actions were effectively part of the election campaign process and was therefore outside the scope of the Local Standards Framework.

### **37. Matters for further discussion from the Committee's "Away Morning"**

Most of the Committee had attended an "Away Morning" at The Albemarle Centre, Taunton earlier in the day. Several matters had been raised during the discussion which it was felt should be reported formally to the Standards Committee. These matters were:-

- (1) The ability to appoint a substitute Councillor to participate in the consideration of complaints** – The three Councillors currently serving on the Standards Committee were all Members of the Council's Planning Committee. It was possible that a complaint concerning a planning matter could arise in the future which would prevent any of the three Councillors becoming involved. It was therefore necessary to make a contingency to allow the Committee to appoint a "substitute" Member when necessary.

Mrs Meers reported that it would be sensible to do this and she would therefore arrange for an appropriate change to the Council's Constitution to be made.

- (2) Performance Indicators for the Committee** – It had been the intention for some time to introduce a series of indicators against which the Committee could measure its performance.



The Democratic Services Manager, Richard Bryant, stated that the draft indicators which had been brought to a meeting of the Committee earlier in the year appeared, on reflection, to be a little too detailed and some even appeared to be unnecessary.

The Committee took the view that a range of meaningful indicators should be developed and that a small “working group” should meet to consider this further.

- (3) **Meeting for the Independent Members of the Committee** – Mr Bryant reported that a meeting of the South West Independent Members of Standard Committees’ Forum would be held at the offices of Bristol City Council on Friday, 4 September 2009. Details of the speakers and the range of topics to be covered were provided.

### **38. Date of the next meeting**

The next meeting would be on Tuesday, 20 October 2009 at 2.30 p.m. in The John Meikle Room at The Deane House.

(The meeting ended at 3.40 p.m.)

# Taunton Deane Borough Council

## Standards Committee – 20 October 2009

### Ethical Governance Toolkit

#### Report of the Monitoring Officer

#### 1. Purpose of the Report

- 1.1 To decide how to carry out a health check on the Council's Ethical Governance Framework.

#### 2. Background

- 2.1 In May 2009 the Corporate Governance Committee approved the Annual Governance Statement together with an action plan for future work to be undertaken.
- 2.2 One of the actions in that action plan is to carry out a 'health check' on the Council's Ethical Governance Framework and the timescales for this to be undertaken is by December 2009.
- 2.3 To support Councils, Standards for England, the Audit Commission and IDeA have developed an Ethical Governance Toolkit that will help Councils to have a better understanding of how well they are meeting the ethical agenda and how they can further improve their arrangements and approach. The toolkit consists of four key elements, each of which is administered by either the Audit Commission or the IDeA. The four elements are as follows:-

##### 1. Self-assessment survey (Audit Commission)

Assesses awareness of ethical issues.

##### 2. Full audit (Audit Commission)

In-depth assessment of the Council's:-

- compliance with the Code of Conduct;
- arrangements for local determinations and investigations;
- the roles and responsibilities of standards committees;
- Monitoring Officer roles and responsibilities;

- Chief Executive roles and responsibilities;
- protocols and constitution;
- arrangements for promoting confidence in local democracy; and
- understanding of ethical issues and behaviours

### **3. Light touch health check (IDeA)**

This is one of the tools that the Council could look to administer itself internally following the guidance and format recommended in the toolkit. Whilst it would not have any official accreditation if done internally, it would still amount to good practice. The essence of success in the field of ethical governance is finding the issues, addressing them and regular monitoring and review. The light touch health check is essentially a quick assessment of the following behaviours of the Council:-

- leadership;
- relationships;
- communication;
- accountability;
- management of standards; and
- team working and cooperation.

### **4. Developmental workshops (Audit Commission or IDeA)**

To improve awareness and understanding of ethical issues facing the Council.

#### **2.4 Why use the toolkit?**

The Ethical Governance Toolkit contains various elements the intention of which is to enable Councils to have a better understanding of:-

- how well they are meeting the ethical agenda;
- where they can make improvements;
- how they can address issues;
- how well they are meeting performance assessment benchmarks;  
and
- how they can help ensure that high standards of ethical governance are sustained.

As Members will be aware any failure to achieve high ethical standards has consequences for the Members, the Council itself and local government more generally. These consequences include:-

- a public loss of credibility and confidence in individual Members, Councils and local democracy;
- investigation of Members under the Code of Conduct;
- potential litigation and costs of defending a challenge; and
- poor decision making.

## 2.5 How does it work?

The toolkit has been designed so that one can choose which elements are appropriate. The self-assessment survey, full audit and light touch health check are 'diagnostic tools'. It is recommended that Councils use them before the developmental workshops. The following combinations of diagnostic tools are available:

- Self-assessment survey (Audit Commission);
- Self-assessment survey and full audit (Audit Commission);
- Self-assessment survey (Audit Commission) and light touch health check (IDeA);
- Full audit (Audit Commission); and
- Light touch health check (IDeA).

The developmental workshops use ethical scenarios and seek to increase awareness and understanding of the Code of Conduct and ethical behaviour. The developmental workshops should be specifically tailored to meet any awareness and understanding issues identified during the diagnostic stage i.e. they would be specific to the issues being faced by this Council rather than following a prepared script/process.

Members will appreciate that using these materials will not in themselves guarantee improved ethical governance. They simply provide a means of identifying and discussing ethical governance issues in the Council. They will then assist in the development of solutions that are required to address any issues that are thrown up. The Council would still have to accept that there were issues and have the will to tackle and resolve them

## 2.6 Resource implications

The list below indicates the time, cost and range of people that would be involved the various parts of the toolkit. The actual financial costs would need to be discussed with the Audit Commission or IDeA.

**Tool:** Self-assessment survey **Cost:** approx £4,500

**Audit Commission Target audience:** all elected Members, senior officers (first to third tier), staff from Democratic Services **Time:** one to four days, depending on output required.

**Tool:** Full audit **Cost:** approx £15,000

**Audit Commission Target audience:** Corporate leadership, senior management, Standards Committee Members **Time:** seven to 10 days, depending on size of the Council.

**Tool:** Light touch health check **Cost:** approx £6,300 (this is the cost if carried out by the IDeA)

**IDeA Target audience:** Standards Committee Members, Monitoring Officer, Chief Executive, senior management **Time:** two days – more or less by agreement.

**Tool:** Developmental workshops **Cost:** approx £1,800 per day

**IDeA or Audit Commission Target audience:** Standards Committee Members, Councillors, Monitoring Officer, Chief Executive, senior management **Time:** one day per workshop

## 2.7 Financial Implications

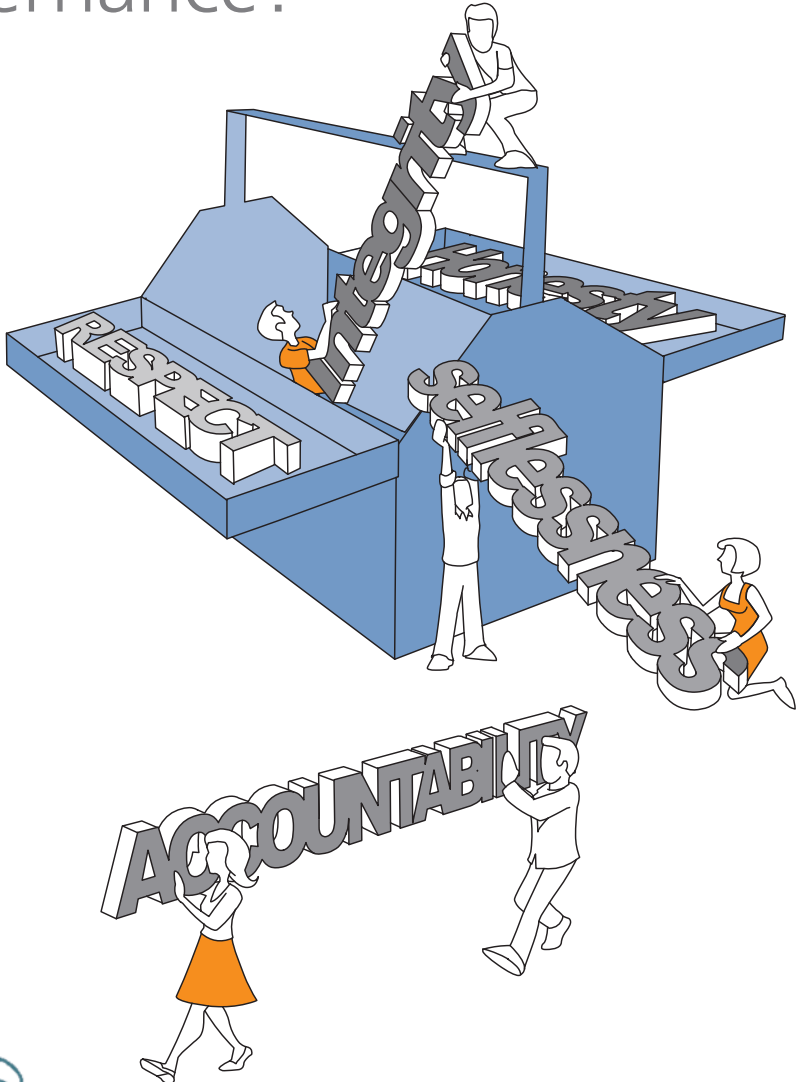
Obviously there are financial implications attached to this report and funding will be discussed further at the meeting.

## 3. Recommendation

- 3.1 To consider the report and decide how this 'health check' should be undertaken.

Contact Tonya Meers, Monitoring Officer,  
[t.meers@tauntondeane.gov.uk](mailto:t.meers@tauntondeane.gov.uk) Tel: 01823 356391

# how ethical is your governance?



## Improvement and Development Agency for local government (IDeA)

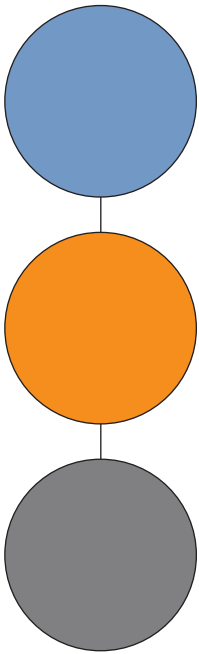
The IDeA works for local government improvement so councils can serve people and places better. We use experienced councillors and senior officers, known as peers, who support and challenge councils to improve themselves.

We enable councils to share good practice through the national Beacons scheme and regional local government networks. The best ideas are put on the IDeA Knowledge website.

Our Leadership Academy programmes help councillors become better leaders so they can balance the diverse demands of people living in the same community.

The IDeA also promotes the development of local government's management and workforce. We advise councils on improving customer service and value for money. We help councils work through local partnerships to tackle local priorities such as health, children's services and economic development.

The IDeA is owned by the Local Government Association and belongs to local government. Together we lead local government improvement.



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Ethical governance can have negative associations. Invariably, it is one of those things we only talk about when there is a problem. That's probably because it is written or talked about in relation to rare but equally high-profile cases of local government criminality. The vast majority of us would never behave in such ways, would we?

As a result, we might assume that ethical governance has little relevance to our day to day work. What's more, because we may not talk about it, there is perhaps a lack of clarity about what it actually means and how much of our everyday life is affected by it.

To help councils on their journey to improve standards, the IDeA, the Audit Commission and the Standards Board for England have developed an ethical governance toolkit. This booklet provides general information about the toolkit and focuses in particular on the IDeA ethical governance light touch health check.

## what is ethical governance?

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ethical governance refers to the processes and procedures and culture and values which ensure high standards of behaviour.

Stated values are the principles and standards that underpin the way councillors and officers interact with others that support excellent service delivery. Behaviour is the way councillors and officers conduct themselves and act out those values as part of their day-to-day functions in public life. How this is perceived by colleagues, members of the public and the media all impact on councillors' ability to represent local government and the communities they serve.

So much of what is covered by ethical governance is taken for granted as part of our day to day work. It's often only when matters break down that these issues merit discussion.

To effectively discuss ethical governance, we need to move away from high profile cases and look at what it means to the way we work – every day. Of course, we need to guard against real corruption – and equally importantly, guard against any impression of such corruption that might damage public confidence in our activities. A key benefit of good ethical governance is that a council which gets its roles and relationships right in an ethical sense is more likely to be effective in helping to improve the quality of life for its local residents.

often 'unethical' behaviour arises through our getting so involved in what we want to achieve, no bad thing in itself of course, that we lose sight of how our behaviour is affecting those around us.

Sometimes poor behaviour can be of a more wilful nature. Either way, it can result in energy and time spent on being disruptive and worrying about what is going on inside the council building, rather than on achieving better community services. For example:

- do councillors frequently give officers a hard time personally to the extent of seeking their dismissal or disciplinary action?
- do officers ever purposefully avoid giving councillors the best and most appropriate options to help them achieve council ambitions?
- are councillors and officers so chummy with each other that accountabilities become blurred?
- do councillors rise to jibes from constituents, political opponents or even their own group; allowing things to become personal, rather than about services and the community?

- do councillors invest properly by turning up on time to meetings and reading the important papers so they can contribute to policy discussions and challenge the Executive or other leading councillors and senior officers?

We may feel we pass these and other tests with flying colours, but how do we know? Do we actually seek and listen to the views of our colleagues and other observers?

Public life is a set of activities where scrutiny is the norm and where public judgement is embedded in the fabric of what we do. Our actions will be pored over, commented on, referred to and in some cases criticised. The way we work must, at the same time, inspire confidence. And that, as we all know, is a delicate balance to achieve. The ethical governance toolkit can help to assess to what extent this balance is being achieved.

the ethical governance toolkit is designed to help local authorities assess their ethical arrangements and identify areas for improvement. The toolkit is made up of four different tools, each of which has been developed by either the IDeA or the Audit Commission.

### which option and how much does it cost?

The Audit Commission's ethical governance diagnostic tools are the full audit and self-assessment survey (Tools 1 and 2). They assess a council's approach to ethical governance, the Code of Conduct and compliance with ethical standards.

#### *tool 1: full audit with survey*

- feedback to top management/leadership
- delivered by the Audit Commission only
- cost: c£15,000.

#### *tool 2: self-assessment online survey*

- survey includes all members and senior officers
- short analytical report on survey results
- feedback to top management/political leadership
- delivered by the Audit Commission only
- cost: c£4,500 or c£1,500 without analytical report.

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The IDeA offers a light touch health check (tool 3) which looks at ethical behaviour and values. This light touch approach is designed to allow organisations to reflect on their learning and, as a result, improve the way they work. It tests compliance with standards and the Code of Conduct but focuses principally on the way councillors and officers behave in the political arena and within organisational environments.

The ethical governance light touch health check uses a benchmark of positive and negative behaviour indicators that might be observed in an 'ideal authority' or an authority that needs development and awareness raising of ethical governance issues.

*tool 3: light touch health check*

- peer review method through interviews and focus groups with officers and councillors – may extend to partners

- delivered by the IDeA only
- cost: c£6,300 tailored and agreed with council.

Both the IDeA and Audit Commission offer developmental workshops (tool 4) that can be delivered as a result of recommendations following any level of diagnostic activity.

*tool 4: developmental workshops*

- exploring scenarios and case studies as a group exercise to consider ethical behaviour and decision making of members and officers
- delivered by the Audit Commission or the IDeA
- cost: c£1,800 per day tailored and agreed with council (based on IDeA version delivered by a team including an IDeA consultant, a member peer and a monitoring officer peer)

the light touch health check involves exploration of ethical behaviour and decision making displayed in the council.

The light touch health check will help the council to recognise its strengths and areas for improvement by determining:

- how well the council is meeting the ethical agenda
- how well the council compares with the positive ethical behaviour indicators in the benchmark
- where it can make improvements
- how to address specific issues
- how well it is meeting Audit Commission key lines of enquiry regarding aspects of governance
- how high standards can be sustained.

The benchmark explores in depth the behavioural and relationships aspects of ethical governance.

These are:

- leadership – behaviour and styles
- communication

- relationships – roles and responsibilities
- accountability
- management of standards – systems, processes and risk management – ambiguity, conflict and whistle blowing
- team working and co-operation.

how does it work, who are the team members and what do they do?

The light touch health check involves exploration of ethical behaviour and decision making displayed in the council.

Each health check takes two days on site and is undertaken by a health check team comprising an IDeA consultant, an elected member peer and a monitoring officer peer. The health check takes the form of a peer review which allows accredited councillor and officer peers, who understand the pressures and challenges of running a local authority, to probe practices in a

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challenging but supportive way.

The team will meet and talk with a cross-section of elected councillors and staff within the council and with representatives of partner organisations and town and parish councils where agreed and appropriate. These talks take the form of either interviews or focus groups.

All members of the team are knowledgeable about and experienced in local government and have all been trained to undertake the ethical governance health check.

Information from interviews or focus groups is confidential and therefore is reported back in a general way focusing on organisational improvement, not individuals.

On the final day of the visit, the team will present back their conclusions and recommendations. This is followed a few weeks later by a

written report with detailed recommendations that the council will have the opportunity to consider and respond to. The IDeA can also offer further support in developing action plans for improvement and/or delivery of tailored ethical governance training and development.

Inevitably during ethical governance health checks sensitive or challenging issues can emerge. Where very sensitive or difficult issues are raised the IDeA review manager will deal with this outside the context of the health check and any statement, evidence of challenging behaviour, or hearsay will not be recorded in the written report.

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## to find out more about the light touch health check

### what the light touch health check will not do

If councils use the light touch health check there is no guarantee that the results of any diagnostic or light touch health check work will be considered as valid within the Audit Commission inspecting regime, although such activity would generally be described as good practice.

Using the light touch health check will not, in itself, guarantee improved ethical governance – achieving good ethical governance requires following through any solutions. Maintaining good ethical governance requires regular monitoring and review.

The light touch health check is not about inspection, it is about development and support.

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To find out more about  
the Audit Commission Full Ethical  
Governance Audit and Self  
Assessment survey contact  
[a-kelly@audit-commission.gov.uk](mailto:a-kelly@audit-commission.gov.uk)  
[www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)



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# Taunton Deane Borough Council

## Standards Committee – 20 October 2009

### Joint Standards Committees

#### Report of the Monitoring Officer

#### Executive Summary

The Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009/1255), came into force from 15 June 2009 and gives authorities a power to establish Joint Standards Committees.

#### 1. Purpose of the Report

- 1.1 The purpose of the report is to establish whether the Standards Committee would be interested in forming a Joint Standards Committee with any of their neighbouring Standards Committees should any of those committees also be interested.

#### 2 Joint Standards Committees

- 2.1 The regulations give a discretion for two or more local authorities to set up a Joint Standards Committee, and make it clear that such a Joint Standards Committee can be established to discharge all of each participating authority's standards functions, or can be established to discharge just some of the authorities' standards functions, such that each authority retains its own Standards Committee to discharge those standards functions which have not been allocated to the Joint Committee.
- 2.2 Authorities may agree to establish a Joint Standards Committee which would establish a Referrals and a Review Sub-Committee, but each retain their own Standards Committees to discharge the functions of conducting hearings, providing Member training and promoting high standards of conduct. But where all standards functions are allocated to the Joint Standards Committee, then participating authorities would no longer maintain their own separate Standards Committees. Where a function is allocated to the Joint Standards Committee, it cannot then be discharged by the Standards Committee of an individual participating authority.

Where authorities wish to establish a Joint Standards Committee, the Full Council of each participating authority would need to resolve:-

- to establish the Joint Standards Committee;

- which standards functions are to be allocated to the Joint Committee and which, if any, are to be retained by the authority's own Standards Committee;
- the administrative arrangements to support the Joint Standards Committee;
- whether standards complaints should be addressed directly to the Joint Standards Committee, or should continue to be addressed to the individual authority;
- the number of Members, including Independent and Parish Members, to be appointed to the Joint Standards Committee by each participating authority, and their terms of office;
- make provision for the Joint Standards Committee to appoint Members to its Referrals, Review and/or Hearings Sub-Committees, as required;
- provide for the payment of allowances to Members of the Joint Standards Committee;
- provide a procedure for an authority to withdraw from the Joint Standards Committee; and
- provide how the costs incurred by the Joint Standards Committee shall be shared between the participating authorities (or in default to be determined by an arbitrator).

### **3 Recommendation**

- 3.1 Members are recommended to give their views as to whether they would be interested in participating in a Joint Standards Committee if other authorities were also interested.

Contact Tonya Meers, Monitoring Officer,  
[t.meers@tauntondeane.gov.uk](mailto:t.meers@tauntondeane.gov.uk) Tel 01823 356391

***Planning Committee  
Members' Code of  
Good Practice***

# ***Planning Committee Members' Code of Good Practice***

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# Planning Committee Members' Code of Good Practice

## Background

Planning has a positive and proactive role to play at the heart of local government. It is a powerful tool that helps councils achieve the ambitions of local communities. Good planning stimulates growth and promotes innovation. It helps to translate goals for healthier communities, higher employment, better housing, reduced congestion, educational attainment, safe and sustainable communities into action through well-designed medical centres, offices, universities, homes, roads and other facilities vital to achieving them.

The planning system works best when the roles and responsibilities of the many players essential to its effective operation are clearly understood. It is vital that elected Councillors understand their role and the context and constraints in which they operate.

Planning decisions involve balancing the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.

The planning process is complex and sometimes highly emotive. It is essential that members of the Planning Committee conduct themselves correctly to avoid complaints which could have personal consequences, and may in some cases involve the Council in substantial costs.

All Councillors must follow the rules laid out in the Members' Code of Conduct to ensure they are, and are seen to be, fair and impartial in their work as a Councillor.

For many members of the public, the Planning Committee is the most visible operation of the Council, and one that can affect their lives most directly. Some stand to gain substantial financial benefit from the outcome of a Planning Committee decision.

This Code of Good Practice has therefore been prepared to provide members with additional guidance on their role on the Planning Committee. It updates the previous Code in the light of new government guidance, particularly on the encouragement to greater involvement of members in the pre-application consultation phase. Annex B lists references of further information available. The LGA document 'Probity in Planning: the role of Councillors and officers – revised guidance note 2009', which has been issued to all Planning Committee members, is particularly useful.

## Introduction

- **The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- **The key purpose of Planning:** to control development in the public interest to facilitate place-shaping and community planning as laid out in the Local Development Framework.
- **Your role as a member of the Local Planning Authority:** to make planning decisions openly, impartially, with sound judgment and for justifiable reasons.
- **When the Code of Good Practice applies:** this code applies to members at **all times** when involving themselves in the planning process. (This includes decision making meetings of the Local Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings.) It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications.

***Members are reminded that this document is only for general guidance, as it cannot cover all eventualities. It is the individual Member's responsibility to act correctly under all circumstances. If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer (Tonya Meers) or one of the Council's Solicitors, and preferably well before any meeting takes place.***

## 1. Relationship to the Members' Code of Conduct

**Always** apply the rules in the Members' Code of Conduct first, which must be complied with. The Members' Code of Conduct can be found in your copy of the Council's Constitution.

**Do** then apply the rules in this Planning Code of Good Practice, which seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control.

If you do not abide by this Code of Good Practice, you may put the Council at risk of proceedings on the legality or maladministration of the related decision, and yourself at risk of either being named in a report made to the Standards Committee of the Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Board for England.

## 2. Development Proposals and Interests under the Members' Code of Conduct

**Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other members. Disclose your interest prior to the commencement of discussion on the particular matter in which you have an interest.

**Do** then act accordingly.

Where your interest is personal and prejudicial:-

**Do not** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Local Planning Authority.

**Do** ask another ward member to represent the views of the ward. If this is not possible then it is recommended that you put those views in writing to the Committee.

**Do not** get involved in the processing of the application.

**Do not** seek or accept any preferential treatment, or place yourself in a position that could give the public the impression you are receiving preferential treatment. In other words, if you have a personal and prejudicial interest in a planning application, you should not seek to use your position as a Councillor to discuss the matter with officers and other members when a normal member of the public would not have the same opportunity to do so.



**Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer (either in person or in writing), this Code of Good Practice places greater limitations on you in representing that proposal than would apply to a normal member of the public.

*For example, where you have a personal and prejudicial interest in an application to be put before the Planning Committee, you would have to withdraw from the Committee Room whilst the meeting considers it, whereas an ordinary member of the public would be allowed up to the three minutes to address the Committee and to observe the meeting's consideration of the application.*

**Do** also be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case. Where:-

- you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of another local or public authority of which you are a member; or
- you have been appointed or nominated to an outside body or organisation by the Council as its representative; or
- you are a trustee or company director of the body submitting the proposal and were appointed by the Council:

you should always disclose a prejudicial as well as personal interest and withdraw from the meeting of the Planning Committee.

**Do** consider yourself able to take part in the debate on an application when acting as part of a consultee body (where, for example, you are also a member of the parish council or you are both a Borough and a County Councillor), provided:-

- the proposal does not substantially affect the well being or financial standing of the consultee body;
- you make it clear to the consultee body that:-
  - your views are expressed on the limited information before you only;
  - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before

the Planning Committee and you hear **all** of the relevant information; and

- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Planning Committee; and
- you disclose the personal interest regarding your membership or role when the Planning Committee comes to consider the proposal.

**Do** notify the Monitoring Officer (Tonya Meers) in writing of your own applications, and those of relatives and close associates, and note that:-

- notification to the Monitoring Officer should be made no later than submission of the application;
- the proposal will always be reported to the Planning Committee and not dealt with by officers under delegated powers; and
- it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at the Planning Committee.

### **3. Fettering Discretion in the Planning Process**

**Before considering this section, it will be helpful to the reader to refer to the broad definition of the term “fettering a discretion” which is set out at Annex A**

**Do not** fetter your discretion and therefore your ability to participate in the decision making process by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to its formal consideration at the Planning Committee without having heard the full discussion at the meeting.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of:-

- (a) a finding of maladministration; and
- (b) legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

**Do** be aware that you are likely to be considered to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. Through such significant personal involvement you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.

**Do not** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.

**Do** explain that you do not intend to speak and vote because you have, or you could reasonably be perceived as having, judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes of the meeting.

**Do** take the opportunity to exercise your separate speaking rights as a ward member where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest.

Where you do:-

- advise the Chairman that you wish to speak in this capacity before commencement of the item;
- remove yourself from the member seating area for the duration of that item; and
- ensure that your actions are recorded.

#### **4. Contact with Applicants, Developers and Objectors**

**Do** refer those who approach you for planning, procedural or technical advice to officers.

**Do not** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Chief Planning Officer to organise it. The officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Local Planning Authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Planning Committee.

**Always:-**

- follow the rules on lobbying (see below);
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Chief Planning Officer any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

*In addition in respect of presentations by applicants or developers:-*

**Do not** attend a planning presentation unless an officer is present and/or it has been organised by officers.

**Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

**Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application. This will be carried out by the Planning Committee.

**Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other members might vote.

## **5. Lobbying of Councillors**

Discussions between a potential applicant and a Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged. With the recognition of the need to allow and encourage Councillors to be champions of their local communities in the local government white paper, there has followed a realisation that councillor engagement in pre-application discussions on major development is necessary to allow Councillors to fulfil this role.

**Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it would prejudice your impartiality, and therefore your ability to participate in the Planning Committee's decision making, to express an intention to vote one way or another or take such a firm point of view that it amounts to the same thing.

**Do** remember that your overriding duty is to the whole community not just to the people in your ward. You therefore need to make decisions impartially, that should not improperly favour, or appear to improperly favour, any person, company, group or locality.

**Do not** accept gifts or hospitality from any person involved in, or affected by, a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 in accordance with the Council's rules on gifts and hospitality.

**Do** copy or pass on any lobbying correspondence you receive to the Chief Planning Officer at the earliest opportunity.

**Do** promptly refer to the Chief Planning Officer any offers made to you of planning gain or constraint of development, through a proposed S106 Planning Agreement, or otherwise.

**Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) who will, in turn, advise the appropriate officers to follow the matter up.

**Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:-

- listening to, or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other members or appropriate officers, provided they do not consist of, or amount to, pre-judging the issue and you make clear you are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a ward member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard **all** the facts and listened to the debate.

## **6. Lobbying by Councillors**

**Do not** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw from any Planning Committee meeting where the application is discussed.

**Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local Civic Society. However, you will need to disclose a personal interest where that organisation has made representations on a particular planning application and make it clear to that organisation (if approached by them) and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

**Do not** lobby fellow Councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

**Do not** decide or discuss how to vote on any planning application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should **never** dictate how Members should vote on a planning issue. Any vote taken on political lines will leave the Council open to challenge as set out in section 3 of this code.

## 7. Site Visits

Whilst it is not the practice for the Planning Committee to make site visits as a Committee, **do** make a personal visit to an application site if you do not feel you will be able to come to a fair decision without seeing the site. Always try to view the land or building concerned from a public vantage point, for example an adjoining road or a public footpath.

**Do** ensure that any particular observations you make during the site visit, which are not referred to either in the Chief Planning Officer's report or the visual presentation, are reported back to the Planning Committee, so that all Members have the same information.

**Do** ensure that you treat the site visit only as an opportunity to observe the site to clarify particular issues. Wherever possible, make the visit unaccompanied.

**Do not** hear representations from any other party during the visit. Where you are approached by the applicant, agent or a third party, advise them that they should make representations in writing to the Local Planning Authority and direct them to the Chief Planning Officer.

**Do not** express opinions or views to anyone.

If you need to enter the site the subject of a planning proposal, **do not** do so without the consent of the owner or occupier and **do not** do so in circumstances where you believe you will not be able to abide by the Good

Practice Rules. **Do not** accept an invitation to be shown around by either the applicant, agent or a third party unless you are accompanied by one of the Council's Planning Officers.

## 8. Public Speaking at Meetings

**Do not** allow members of the public to communicate with you during the Planning Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

**Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9. Officers

**Do not** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Chief Planning Officer which may be incorporated into any Planning Committee report.)

If you wish to discuss a particular planning proposal outside of any arranged meeting, **do** try to contact the relevant Case Officer or, in his/her absence, another Planning Officer or the Chief Planning Officer.

**Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance not only with the Council's Code of Conduct for Officers, but also their professional codes of conduct (primarily the Royal Town Planning Institute's Code of Professional Conduct). As a result, Planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## 10. Decision Making

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**Do** come to meetings with an open mind and demonstrate that you are open-minded.

**Do** comply with the requirements of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

**Do** come to your decision only after due consideration of **all** of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or, that there is simply insufficient information before you, request that further information. If necessary, defer a decision on an application for planning permission or refuse it.

**Do not** vote or take part in the meeting's discussion on an application unless you have been present to hear the entire debate, including the officers' introduction to, or visual presentation in respect of, the matter.

**Do** have recorded the reasons for the Planning Committee's decision to defer any proposal.

**Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan, that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 11. Training

**Do not** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

**Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.



## ANNEX A

### A Broad Definition of the term “Fettering a Discretion”

*Fettering a Discretion* is one of those unfriendly and legalistic phrases which derive from the statutory basis which underlies all local government decision-making. Unfortunately it is quite difficult to replace - or to translate into normal English. So here’s a broad definition instead:-

It means that where a decision-making body (like a Council - or a Committee or an Executive Councillor) is obliged to exercise some discretionary power under statute – then it must **exercise** that discretion fairly, at the right time and only after taking all proper factors into account. (Deciding upon the fate of a planning application is a good example of such a discretion).

If - instead of keeping that essential open mind - it can be seen that it (or its members) have already **committed** themselves – in one direction or another - **before the moment when that discretion must be exercised** (ie - **after** all material factors have been considered) then they are said to have “fettered their discretion”.

The consequence of such pre-judging can be dire. In a bad case the validity of the decision could be challenged in a number of ways – including through the courts – with painful and expensive consequences for all concerned – including the Council itself – and for individual councillors who have left themselves open to this criticism.

## ANNEX B

Committee on Standards in Public Life (1997) **Third Report: Standards of Conduct in Local Government in England, Scotland and Wales, Volume 1 Report** Cm 3702-1:  
<http://www.public-standards.org.uk/Library/OurWork/3rdInquiryReport.pdf>

**The Local Authorities (Model Code of Conduct) (England) Order 2007:**  
[http://www.opsi.gov.uk/si/si2007/uksi\\_20071159\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20071159_en_1)

National Development Control Forum (1988) **Guidelines for the Handling of Planning Applications**  
Royal Town Planning Institute **Code of Professional Conduct:**  
<http://www.rtpi.org.uk/download/154/Code-of-Professional-Conduct-2007.pdf>

Royal Town Planning Institute (1997) - **The Role of Elected Members in Plan-making and Development Control** - A Study Commission from the School of Planning, Oxford Brookes University

**Code of Conduct – Guide for members** Standards Board for England, May 2007  
[http://www.standardsboard.gov.uk/TheCodeofConduct/Guidance/CodeofConduct/filedownload\\_16126.en.pdf](http://www.standardsboard.gov.uk/TheCodeofConduct/Guidance/CodeofConduct/filedownload_16126.en.pdf)

**Predisposition, Predetermination or Bias and the Code**  
Standards Board for England Occasional paper August 2007  
[http://www.standardsboard.gov.uk/Publications/OccasionalPaper/filedownload\\_16105.en.pdf](http://www.standardsboard.gov.uk/Publications/OccasionalPaper/filedownload_16105.en.pdf)

**Members involvement in planning decisions,**  
Department of Communities & Local Government 2007

**Connecting Councillors with strategic Planning Applications** London Councils November 2007  
<http://www.londoncouncils.gov.uk/Transport/Publications/connectingcouncillorswithstrategicplanningapplicationsagoodpracticeguideforlondon.htm>

**Positive Engagement – a guide for planning councillors** 2008 leaflet PAS  
<http://www.pas.gov.uk/pas/>

**Model Members' Planning Code of Good Practice** Association of Council Secretaries and Solicitors, 2007 update:  
[http://www.acses.org.uk/public\\_file/filename/8/ACSeS\\_Members\\_Planning\\_Code\\_update\\_draft\\_07\\_07.pdf](http://www.acses.org.uk/public_file/filename/8/ACSeS_Members_Planning_Code_update_draft_07_07.pdf)

**Councillor Involvement in pre application discussions** Development Management Practice Project  
Guidance note 3, 2007 Planning Officers Society:  
[http://www.planningofficers.org.uk/documents/Guidance\\_Note\\_3\\_Member\\_pre\\_application\\_discussions.pdf](http://www.planningofficers.org.uk/documents/Guidance_Note_3_Member_pre_application_discussions.pdf)

**The Planning System – matching expectations to capacity** Audit Commission, February 2006:  
[http://www.audit-commission.gov.uk/Products/NATIONAL-REPORT/EFF8A0E9-4071-4fc9-8099-77FDFBD3D7CB/Planning\\_FINAL.pdf](http://www.audit-commission.gov.uk/Products/NATIONAL-REPORT/EFF8A0E9-4071-4fc9-8099-77FDFBD3D7CB/Planning_FINAL.pdf)

Published by CLG on behalf of the Killian Pretty review  
**Planning applications; a faster and more responsive system Final Report** November 2008:  
[http://www.planningportal.gov.uk/uploads/kpr/kpr\\_final-report.pdf](http://www.planningportal.gov.uk/uploads/kpr/kpr_final-report.pdf)

**DRAFT - PLEASE DO NOT QUOTE**

# **Assessing the impact of standards committees**

**September 2009**

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University of Hull

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## Executive Summary

1. The aim of this research is to investigate examples of notable practice in standards committees. Our cases are summarized in the table below:

<b>Notable Practice</b>	<b>Case study authority</b>
Organisational learning	Bristol City Council
Liaising with town and parish councils	Taunton Deane Borough Council
Member development	Surrey Police Authority
Community engagement	Newark and Sherwood District Council
Recruitment and retention	South Cambridgeshire District Council
Training and development	Herefordshire County Council
Joint standards and audit committees	Runnymede Borough Council
High pressure investigations	Greater London Authority
Embedding standards	Newcastle City Council

2. The research is founded on a purely qualitative methodology, centred on nine case studies, which was designed to establish real-life stories rather than a scientific measure of how notable the practice may be.
3. Context does not appear to be crucial to developing notable practice, and that authorities that were investigating numerous complaints could be equally as innovative as those with few investigations.
4. A key finding is that notable standards committees are notable for several reasons: none of our practices existed in isolation and in every case we found that the standards committees were committed to a number of innovative practices.
5. Leadership is essential, particularly in terms of political support within the authority.
6. Composition of standards committees need to be balanced. The majority of our case studies deliberately attempt to bring a range of skills, knowledge and experiences to the standards committee, especially in regards to independent members.
7. Standards committees learn from each other. Organisational learning was a key aspect of all of our case studies to some degree but what was extremely apparent was the sheer range of networks now in existence in the local government standards community.

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## 1 Background and rationale

This research investigates the development of *notable practice* in local authority standards committees. It builds on previous research that has discussed: the initial creation of standards committees (Doig and Skelcher, 1999); the development of standards committees after the *Local Government Act 2000* (Lawton and Macaulay, 2004; Macaulay and Lawton, 2006); the roles of standards committees (Greasley, 2007); and the position of standards committees in the wider standards framework (Iles and Macaulay, 2008). The research has been conducted jointly by the University of Hull and Teesside University.

We acknowledge that the term 'notable practice' has a variety of connotations and does not specifically refer to the more common terms, 'best practice' or 'effective practice': indeed we accept that notable practice may actually refer to practice that is notably bad. In the context of this research, however, we have defined notable to mean practice that is both innovative and that has had positive effects on the corresponding local authority.

These examples can be split into three groups: statutory functions; non-statutory roles; and organisational cultural perspectives. Examples of effective practice in statutory functions could include:

- training arrangements for members
- investigations
- management and conduct of hearings
- updating and monitoring the code

Examples of effective practice in non-statutory roles were identified by Greasley (2007) and could include:

- developing whistle blowing procedures
- advising on internal and external audit
- developing innovative relationships with ombudsmen
- advising on Member/Officer protocol
- reviewing the authority's constitution
- developing anti-fraud policies
- commenting on employment disciplinary policies and procedures

Examples of a wider organisational practice were identified by the research team's steering group, and could include:

- recruitment, retention, training, motivation and remuneration of committee members
- dynamics between independent and councillor members
- dynamics between the committee and the officer support
- risk management of conduct complaints (e.g. feedback loop to lessons learnt to inform future resource allocation, any proactive audit style work set out in a risk based work plan)
- developing an outward face in terms of public recognition
- creating an accessible website
- forging a meaningful relationship with the local press
- creating sustainable relationships with other standards committees

- engaging in national debates and the wider standard community
- developing innovative standards committee meetings.

In short there are myriad examples of notable practice from which to choose the case studies. What we have sought to develop in this research is a series of narratives around how these practices have emerged and the impacts that they have had.

## 2 Methodology

The project will adopt a critical incident case-study strategy, designed to describe *specific instances* of effective practice. The case studies were designed to answer the following questions:

- What is the example of effective practice that is being described?
- How was the practice identified?
- What (if any) were the specific problems that the practice was set up to resolve?
- Who were the leaders in championing the good practice?
- Was there any opposition to the practice being introduced?
- What obstacles were faced during implementation?
- What have been the impacts within the authority?
- What have been the impacts outside the authority (i.e. public and local media recognition)?
- What further elements of good practice have been achieved?

The benefits of a case study approach are that it gathers rich data that allows both a real time and retrospective analysis. Cases can study multiple perspectives on the same event or incident and this allows for a more generalisable conclusion. Finally the development of nine cases allowed for a cross case comparisons to be made where appropriate, which is often throughout the study.

As with all case studies, the critical incident technique must build up a chain of evidence (Yin, 1989) to create a narrative of the event. This approach, therefore, required a multi-method approach and cases utilised a range of research methods:

- Desk based research to develop a bank of documents, minutes of meetings, committee records and other physical artefacts.
- Participant observation of a standards committee meeting where this was possible within the time frame of the case visits.
- Key informant interviews were used to investigate the perspectives of other stakeholders: specifically the monitoring officer; chief executive; political leaders.

By adopting a multi-method approach the case built up a deep understanding of the practice that was identified. The rationale for case study selection was the extent to which each authority presented an example of notable practice.

Nine authorities were studied in the course of the research, each looking at a specific example of notable practice. In choosing the cases we were guided by advice from our Steering Group, from our own experiences from previous research in this area and from examining the web-sites of potential cases, focusing on the Minutes and Agendas of Standards Committees meetings. After consultation with the SfE steering group and our own advisory panel, it was decided that the following examples of notable practice would be investigated:

1. Organisational learning
2. Liaising with parish and town councils
3. Member development
4. Community engagement
5. Recruitment and retention
6. Training and development



7. Joint standards and audit committees
8. Dealing with high pressure investigations
9. Engaging leaders

It will become quickly apparent in this report that our case study organisations were frequently involved in other examples of notable practice and it therefore seems to us that many standards committees are likely to engage in a host of notable practices. At the same time, we came across examples of notable practices outwith our case studies, almost by chance. Thus we attended a training day for the Tees Valley Town and Parish Councils offered by a partnership of Stockton-on-Tees, Middlesbrough, Hartlepool, Redcar and Cleveland, and Darlington councils, and addressed by one of our case study Monitoring Officers. We spoke at Somerset County Council's annual standards assembly; and we also participated in a special event with the Adjudication Panel held at North Tyneside metropolitan council. In short, we came across manifold examples of notable practice within the local government standards community, and hopefully this report will provide a flavour of some of the interesting work that is currently being conducted by standards committees throughout the country.

### **3 Case study 1 – Organisational Learning**

#### **Bristol City Council**

Bristol City Council covers a population of approximately 420, 000 residents, and its membership comprises 32 Liberal Democrat members, 24 Labour, 13 Conservative and 1 Green Party member. The standards committee is composed of three elected members (one from each of the main parties) and four independent members (although at the time of our visit it was looking to recruit a fifth independent).

Bristol's standards committee has had comparatively little work in terms of investigations and hearings: 2008-09, for example, saw only two complaints being out to the committee, only one of which required an investigation. Partly as a result of this low demand, the standards committee has been as proactive as possible in terms of setting itself a workload that impacts on the authority on several levels. For example, it is involved in overseeing the procedure for the selection of the Lord Mayor's medals. More importantly, the standards committee is also broadly involved in continuous improvement through organisational learning: going over protocols, internal codes of conduct, constitutional arrangements, etc.

Bristol standards committee also has an interesting membership structure inasmuch as its political members are all party whips. It is difficult to tell how unique this occurrence may be in a national comparison, but it is certainly the only case that we came across in this study, although the importance of support from party whips and other leading political figures was an oft-repeated mantra throughout our case studies. Political support was seen by all case authorities as being essential in making members aware of issues revolving around the code and also keeping the profile of the standards committee high throughout the authority. This was certainly the case in Bristol: we were informed that the party whips 'add gravitas' to the process whilst being aware that they 'are not trying to take over the council's role'. It was a deliberate decision to have the group whips on the Committee to provide the committee a high degree of respect and status within the authority. Also, the independent members have a high profile around the city and are known as being committed to public life, which raises the profile of the committee externally.

As a consequence of its proactive approach, strong political support, and visible independent members the committee has a high profile inside the authority and has a very positive status of both internally and externally.

The notable practice that is most visible in Bristol is organisational learning, by which we mean the dissemination of other notable practices to the wider local government community. Clearly the extent to which organisations learn from each other is a key issue as organisations seek to improve their performance and Bristol standards committee has acted as a hub for other authorities and independent members in the South West.

A basic premise of organisational learning is that organisations can learn not only directly from their own experiences but also directly and indirectly from the experiences of others. Knowledge transfer takes place through a number of different mechanisms and these will include personnel movement,

training, communication, observation, alliances and other forms of inter-organisational relationships (Argote et al.,2000) . Organisational learning is a long-term activity and requires (Goh, 1998):

1. Mission and Vision
2. Ethical Leadership
3. Experimentation and questioning the status quo
4. Transfer of knowledge
5. Teamwork and co-operation

Bristol standards committee meet these criteria in a number of different ways. Its mission and values (like some of the other cases we have studied) are clearly available in public documents and on the committee's own web pages. Ethical leadership and teamwork have already been alluded to in the structure and membership of the committee, which has been designed to bring together a range of skills and, more importantly, decisive leadership.

Experimentation and the transfer of knowledge is attained by the sheer range of different work that the committee undertakes, particularly in commenting on various protocols, changes to the code and other aspects of council business (in 2007, for example, the council adopted a new code of conduct which was heavily indebted to standards committee discussion; in 2008, the standards committee approved both the draft summary of the Constitution and a local Code of Corporate Governance which set out six core principals to measure governance. In addition, the independent members of the standards committee regularly attend other meetings in the council and have a standing item on their own agenda to give feedback on the meetings that they have attended. They regularly review their own workings so, for example, they regularly debate their own powers.

An even more explicit example of sharing notable practice and transferring knowledge is that the standards committee works closely with networks of other authorities in the south west, perhaps most notably in the South West Independent Members Committee conference, which in 2008, attracted 65 attendees from 32 different authorities. Speakers at the conference included Sir Anthony Holland (of the then Standards Board for England) and Peter Keith Lucas, doyen of local government training. Feedback from the event was extremely positive and included the following remarks: "both informative and interesting"; "comprehensive and relevant"; and " a rounded overview". Topics discussed included how best to interact with parish councils, problems of vexatious complaints, changes to legislation, and generally just the sharing of experiences. Regrettably the authors were unable to attend this year's conference in September 2009 where we had hoped to speak about our research In short, Bristol's standards committee is committed to expanding its own spheres of influence both within the authority and outside its boundaries to offer its knowledge and experiences throughout the region.

### **Key messages**

1. A good balance of members allows for a high profile internally and externally
2. Standards committees can profitably apply their expertise to a wide range of authority issues in order to continually develop the committee's own learning
3. Knowledge and experiences travel well from committee to committee and should be shared

## 4 Case study 2 – Liaising with town and parish councils

### Taunton Deane Borough Council

Taunton Deane Borough Council covers a population of approximately 100,000 residents. It has 41 parish councils and 1 town council. Council membership comprises 23 Conservative members; 27 Liberal Democrats; 3 Independents; and 1 Labour member. The standards committee comprises 7 independent members, 3 elected members; and 3 parish members.

One of the most common sources of complaints against the code of conduct are town and parish councils, which have consistently accounted for around 50% of all complaints every year since 2001. Taunton Deane Borough Council has 41 parishes and one town council yet it has not received a single complaint either from the parishes, or regarding any of their activities, since the standards framework was established (even though the standards committee has received 4 complaints regarding the Borough Council itself). The research team felt that this was a notable achievement and worthy of investigation.

Every single person we spoke to at the authority attributed Taunton Deane's successful liaison with parish and town councils to the contribution of the Parish Liaison Officer, Mr David Greig, who has been sitting on the standards committee since its creation in the late 1990's (before standards committees were statutory requirements under the *Local Government Act 2000*). The Parish Liaison Officer was described to us as "fantastic" and the "go-to" man on matters of standards and ethics in the parishes. The actual role was created by the Local Government Act 1974 although the exact number of authorities that still maintain the office is currently unknown.

The Parish Liaison Officer is not only there to advise on matters of standards and ethics but acts as a general conduit between parishes and the Borough Council. The Officer described himself as "the human face of the Borough Council" and he identified a range of skills he felt were needed to successfully carry out the role.

- must be flexible and prepared to work out of hours
- good interpersonal skills
- acts as a critical friend
- prepared to admit that one does not know everything and brings back queries to the Council
- recognises the unique differences that parish and town councils bring to local government
- Is both reactive and proactive – is able to respond quickly to issues but also lead on new matters of interest

We would also add listening, understanding, empathising, influencing, brokering and negotiating skills.

The office is a 100% full-time job involving evening work, typically 3-4 nights a week. The Parish Liaison Officer has currently worked for the council for 15 years and is well-known and highly respected within the Borough. Most of the queries he receives are about conflicts of interest, and are usually planning related (8 out of the 41 parishes have delegation for planning. However, several

respondents argued that it is costly to have a planning officer attend parish meetings and therefore the Parish Liaison Officer represents significant value for money.

The Parish Liaison Officer also delivers training 'on site'. The council previously delivered training for parish councillors at the council offices with mixed attendance; the present arrangement involves the training delivered in bite size chunks (30 minutes) at the Parish Council meeting itself.

The officer identified the need to build up trust and personal relations: he acknowledged his good relations with the Parish Chairs and clerks who can ring him up at any time for advice. Indeed the Parish members we spoke to were very grateful for the officer's efforts. One told us: "I don't know where the idea [for a dedicated officer] came from but it was inspired". Indeed the officer is so highly regarded that when the council considered getting rid of the post as part of rationalisation of the authority in 2004, the parish and town members responded with such vigour that they persuaded the authority to change its mind and maintain the office.

In addition, the Parish Liaison Officer regularly networks with other local government organisations: he works with NALC and regularly speaks at the Somerset Association of Local Councils. He also has a small budget and can pay £50-£100 here and there to help with playing fields or footpath maintenance, which is not much but is enough to make a difference. As a result of all his activity, we would argue that the Parish Liaison Officer is an excellent example of a "boundary spanner" – an individual that reaches across different organisational boundaries and builds relationships between different groups. In particular, the boundary spanner acts as a conduit for different elements of organisational knowledge and can pass on expertise to various stakeholders. It was actually during a meeting of the Somerset Association of Local Councils that the Parish Liaison Officer at Taunton Deane was brought to our attention as a success story in terms of local government in the South West.

Two possible objections could be levelled at our selection of the Parish Liaison Officer as an example of notable practice. First, that it may be difficult for an authority in the current economic climate to establish such an office (assuming that it was not already in place). Second, that this is an example of notable practice by the officers of Taunton Deane rather than the standards committee. Even the Parish Liaison Officer acknowledged the difficulties surrounding the first objection and did not think such a post was likely to be established from scratch. It is important to note, however, that many local authorities have such an office and further research is needed to establish whether or not there is a consistency of role across the country. More importantly it might be argued that even where such an office does not exist, some person (or persons) could take up the mantle and engage directly and regularly with parish and town councils.

The second objection elicits a slightly more straightforward response. As part of his duties the Parish Liaison Officer ensures that one independent member of the standards committee accompanies him to each parish meeting he attends. These visits are divided up into a rota system so that each independent member goes to several meetings per year, allowing parish members to put faces to names and build up a direct relationship with the standards committee itself. Thus the notable practice, while dependent on the excellent work of the Parish Liaison Officer, is by no means solely his responsibility.

We must stress again that such an office may not be an ideal solution to every authority with parish and town councils, but it has certainly led to very important bonds of trust within Taunton Deane Borough.

This case does illustrate the pivotal role of individuals in sustaining key relationships. The challenge is to embed the role within the authority so that if a particular individual leaves the authority he or she can be replaced.

**Key messages**

- Face to face contact is extremely important for parish and town members
- Personal relationships help develop trust
- Flexibility and empathy are key virtues

## 5 Case study 3 – Developing members

### Surrey Police Authority

Methods used in this case were participant observation of standards committee, analysis of policy documents, minutes of meetings, interviews with MO and interviews with members of the Committees.

Surrey Police Authority is an independent body consisting of 17 members. Membership is made up of nine elected councillors appointed by Surrey County Council and eight independent members, appointed after interview. Members are supported by a Secretariat consisting of a Chief Executive and eight members of staff. The Standards Committee has six members, three from the Police Authority (One authority councillor and two authority independents) and three of whom are appointed as independents to the Committee.

The Terms of Reference for the Standards Committee are wider than many Standards Committee. In addition to advising the authority on the code of conduct and the register of interests, the Committee;

1. Maintains high standards of conduct by its Members:
  - The Independent Members of the Standards Committee review the Scheme of Allowances and bring recommendations to the Authority for Approval
  - The Authority members of the Standards Committee review the scheme of allowances for independent members of the Standards Committee and bring recommendations to the Authority for Approval
2. Review the effectiveness of the Police Authority:
  - Assisting the Police Authority to develop and improve through the Self-Assessment process
  - Review Standing orders of the Police Authority and make any recommendations for change to the Authority
    - advising the Authority on any protocols which need to be developed in order for the Authority's business to be carried out appropriately
    - review audit and inspection reports relevant to the Police Authority and oversee implementation of any agreed recommendations
3. To assist in the implementation of the Authority's Equality Schemes

The relationship with the wider Police Authority is of particular interest. The Standards Committee has been overseeing the implementation of the Authority's self-assessment as part of the preparation for the Police Authority's Inspection carried out by the Audit Commission and the HMIC. This involves a 'lightness of touch and a willingness to raise a head above the parapet'. It is about "continuous improvement and not just inspection." Clearly, there is a balance to be struck so that "the Standards Committee is not taking decisions that the authority should be taking." The role of

the Standards Committee is as a “bit of grit in the oyster” “..if we do not do it then nobody else will”. “setting the bar high is crucial.”

The Standards Committee is particularly involved in remuneration and is seeking to develop a performance based culture, driven by personal development. The Remuneration Panel is made up of the three independent members of the Standards Committee and determines the level of remuneration for Authority members and others and determines the level of expenses and necessary equipment. The Remuneration Panel met in January 2009 and had carried out a ‘light touch’ review and recommended that allowances should be kept at the current level - “cannot award ourselves any increase”

The Committee agreed that there was some evidence of differences in member contributions but this could be improved by having a robust annual training programme and a Personnel Development Review (PDR) in place. The Committee agreed that the Authority should work towards a performance oriented culture in the future.

The members’ Annual review takes place with a member of the Standards Committee. The impact of any training is to be assessed and elements of self-assessment will include a 360 degree appraisal, objectives setting and a training log. The Member Development Charter self-assessment has been submitted to the South East Employers for approval and the target date for assessment had been set for January 2010.

A 4-day workshop is part of the induction of new members to the Authority and 33 different training courses are offered, not just in the code of conduct but in areas such as equality and diversity, scrutiny and performance management training, corporate governance, data sharing and security, Audit committee training, risk management, Charing and recruitment of senior officers and overview of the budget- setting process. Under the Integrated Member Development Process, each member has their own budget of £400. The focus is on 5 key areas

1. Role and Deployment
2. Individual objectives and Deliverables
3. Self-assessment supported by 360 degree assessment
4. Personal Development
5. Longer term “own wishes”

**Proposed “Member Capabilities” are clustered under three headings**

- |  |  |
|--|--|
| <p>1. <i>Incisiveness and Intellect</i></p> <ul style="list-style-type: none"><li>- Strategic Thinking</li><li>- Good Judgement</li><li>- Analytical Ability</li><li>- Ability to scrutinise and challenge</li></ul> | <p>2. <i>Leadership and Operational Abilities</i></p> <ul style="list-style-type: none"><li>- Leadership</li><li>- Ability to communicate</li><li>- Time management</li><li>- Decisiveness</li></ul> |
| <p>3. <i>Mindset and personal behaviours</i></p>   |  |



- Respect for others
- Integrity
- Enthusiasm and drive
- Team working
- Openness to change
- Community engagement
- Self-confidence

Surrey Police Authority a faced a low number of complaints, and the Standards Committee has widened its scope, particularly to include individual development. The Committee is taking performance seriously, both at the individual and the organisational level.

**Key Messages**

- Sensitivity to the role of the Standards Committee within the wider authority
- Commitment to training and development
- Locating responsibility for self-development

## 6 Case study 4 – Community Engagement

### Newark and Sherwood District Council

NSDC will probably be familiar to you from its success in being shortlisted on for the LGC awards last year. It displays two strands in its community engagement programme, one is work with schools (which has started recently); also developing protocols for partnership working (again early days). They have established a separate sub-committee, working with Communications team that is looking at schools and a key concern is publicity and changing perceptions. The entire authority supports this programme - all are on board. Independent members have particular skills that are supporting their ambitions e.g. one of the Independents is a magistrate heavily involved in schools engagement through the magistrates' service. The standards committee consists of 14 members made up of 7 district councillors, 4 parish councillors and 4 independents

The standards committee is committed to sharing its experiences with other organisations. As Andrew Muter (Chief Executive) put it:

*"We worked with our neighbouring councils to talk them through the experience that we'd had. We ran a number of training sessions for other councils locally and we took part in the national dissemination and discussion about how to do local assessment work. We have a neighbouring authority which was struggling with the introduction of local assessment and we actually spent some time with their own standards committee to help them think through the process."*

A key issue addressed by the Standards Committee is in promoting high standards of conduct in partnerships and have begun to develop a partnership toolkit. They have initially Identified over 120 partnerships characterised as strategic, operational and consultative and have classified them in risk management terms. A typical issue that they face is described in the box below:

Cllr A represents Barchester Borough Council on Barchester Town Partnership's Board. Her fellow board members include the Primary Care Trust, County Council, Police, local business club member and manager of the local CAB. The Board is chaired by the CAB manager, Mrs T. Board meetings are held in public. The partnership has terms of reference and a constitution describing how decisions are made.

A personal and public dispute develops between Cllr A and Mrs X of the Barchester business club. The disagreement involves personal accusations from both parties regarding bullying behaviour, intimidation and comments that erode their reputation with peers. Mrs X lodges a complaint with the local Standards Committee about the behaviour of Cllr A and speaks with the editor of the local newspaper about the incident.

Following an investigation, the council's Standards Committee decides that no action is necessary against Cllr A.

One issue seems to be that some members of partnerships have to observe higher standards of behaviour than others and the Standards Committee felt that all need to sign up to the same code of conduct. It has caused resentment amongst elected members. "Everybody should be subject to the same rules." Clearly, this is not an easy matter to resolve and members of the Committee expressed

different views. Some felt that the members' code might be too prescriptive, and others felt that it would be difficult practically to enforce a code on a member of a private organisation. It was suggested that the Assessment sub-committee could deal with complaints involving members of private sector organisations and that a sponsoring organisation might be asked to change its representative in the event of unethical behaviour. The Committee agreed that it is unfair if some members of a partnership are being scrutinised more closely than others and felt that agreement in a set of principles could be a starting point. The Committee endorsed the development of the protocol which could reflect the 10 principles that make up the local government members' code and might address:

1. Equal opportunities issues
2. Behaviour during meetings
3. Declarations of interest
4. Behaviour outside of meetings
5. Confidentiality
6. Hospitality and Gifts
7. Conflicts of interest

What is clear is that this is an issue that most local authorities will face; the Standards Committee agreed that there must be standards for partnerships no matter how tricky the operation. The Committee identified the need for an independent oversight body to judge the quality of governance within the local partnerships arguing that this may provide a "significant step" towards improving their confidence and the deficit perceived by elected councillors.

A second major issue that is on the agenda of the Standards Committee is engagement with its local community. The geography of the area is dominated by three major towns and over 80 villages in which community engagement is an important part of the local fabric. The Standards Committee takes the view that part of its role is to engage in various ways with its communities and one example is with the Extended Schools Initiative. Local schools have proved receptive to members of the Standards Committee taking part in discussion involving citizenship, issues of respect, and standards of conduct.

**(A report is due out on 16<sup>th</sup> September and if ready will be incorporated)**

#### **Key messages**

- Engagement with the wider community is an important part of the Standards Committee role
- Standards Committees, in seeking to deliver a wider remit, will face challenging issues, and will have disagreements on how to deal with them. This is normal.
- Ethics and standards are at the core of the authority, not a bolt on, and are part of the vision for the community as a whole.

## **7 Case study 5 – Recruitment and retention**

### **South Cambridgeshire District Council**

South Cambridgeshire District Council covers a population of approximately 130, 000 residents. It has 101 parish councils and its memberships comprises 31 Conservative councillors; 16 Liberal Democrats; 1 Labour; and 9 Independents (8 of whom form an Independent coalition). The standards committee is made up of 8 elected members; 7 independent members; and 4 parish members.

Unfortunately, South Cambridgeshire District Council has a long history of problems with standards, which can be divided into two distinct categories: issues emerging from dealing with around one hundred rural parishes; and problems of entrenched political divisions among members. These difficulties culminated in a negative Corporate Governance Report from the Audit Commission after which an improvement plan was established, particularly focussing on member behaviour. Under the plan senior members went to a local leadership forum and training was made available for political party spokespeople. Despite a more positive culture within the authority problems still exist: in the last year 18 complaints had been received: 10 complaints about District Councillors and the rest about Parish matters.

Despite such seemingly entrenched problems, or perhaps because of them, South Cambridgeshire standards committee has grasped the nettle and been extremely proactive in addressing local these issues.

Under the stewardship of the independent chair, the standards committee has created its own mission statement: “To support and enhance the democratic process in South Cambridgeshire by acting as the guardians of ethical conduct for the public we serve and elected members”. Although the researchers have a limited frame of reference it is one of the first specific mission statements of its type that we have encountered and it may be an interesting idea for other standards committees to approach.

South Cambridgeshire has also undertaken a series of operational procedures designed to enhance the local standards agenda. It has specifically engaged with parish councils by creating a parish toolkit, which has been sent to each council in order to perform a self-administered health-check. It also created a parish liaison group and ran an event in conjunction with the local County Association, delivering 4 sessions in 3 days on topics such as Freedom of Information, data protection and planning, all of which was in addition to issues surrounding the code of conduct. In addition, Key Performance Indicators have been identified and training has been expanded to incorporate specific sessions for the new sub-panels. Finally the website has been updated and expanded, and in the views of the research team it certainly compares very favourably even to other well developed websites. The levels of information are extremely high as well as the communication channels for each of the committee members. As the Monitoring Officer suggested “we [South Cambridgeshire DC] have gone from being a reactive to an extremely proactive standards committee”.

In the midst of all this activity, however, were instances of particular notable practice surrounding recruitment and retention. South Cambridgeshire embraced the changes towards local investigations and had volunteered to take part in Standards for England's pilot scheme on local returns. Its standards committee also realised that with the issues it had faced throughout the years there would be a strong likelihood of very high workloads, coupled with potential concern about conflicts of interest from elected members. Thus it was decided each of the new panels (Assessment; Hearing; and Review) would be chaired by an independent member, and that there must be enough independent members to act as cover in case of unforeseen circumstances. As a result the standards committee needed to expand its membership.

Recruitment of non-elected members has often been identified as a problem for standards committees and the lack of incentive to join was summed up by the independent chair: "[It's] not a nice job – zilch money, high profile and you have to make tough decisions". Recruitment was potentially even more of an issue in South Cambridgeshire as some candidates may have had their own personal agenda for wishing to join and also because of the very high public profile of the committee, which is undoubtedly off-putting to many candidates.

Nevertheless the committee was to be expanded and subsequently the standards committee undertook a significant process of recruitment. A working group was established to look at the complex issues surrounding recruitment and as the Deputy monitoring Officer explained a key decision was that the committee wanted to appeal to "average people, not the usual high flying businessmen and academics". The working group also ensured that the committee received full training in recruitment.

A recruitment kit was created comprising an overview of the standards committee and a job description; a person specification; an application form (along with a description of the appointments process); and a copy of the code of conduct.

A further key decision was where advertising should be placed. Previously the advert had been placed in the public notices section of the local newspaper and 5 candidates had applied for 2 positions. In contrast, the new advertising was placed in the situations vacant section of the local newspapers and key organisations (including Parish Councils, the NECC, and the CBI) were directly targeted. Adverts were also placed on a number of websites. The result was a three-fold increase in applications: 16 candidates applied for 2 positions; 7 candidates were interviewed and finally 3 were chosen, aged between 40 and mid-60s. As a result all panels have been given independent chairs, all of whom have been given specific chair's training. So far it would appear that this strategy has circumvented concerns about membership of the panels from within the authority.

It would be fair to report that South Cambridgeshire District Council has encountered more problems than any other authority in this research project, but it is equally fair to argue that few have done more in the last three years to tackle these issues. The one notable practice that we have looked at – recruitment of independent members – is inextricably linked with the other work that the standards committee had undertaken. Time will tell what effect this will have on public confidence

and also on the levels of complaints that the authority receives, but it is unquestionable that the standards committee is working flat out to establish a proactive, preventative approach.

**Key messages**

- Understand who you want to attract as an independent member
- Use effective media – particularly situations vacant sections in local press
- Ensure that candidates all have the fullest available information regarding the role

## 8 Case study 6 – Training and development

### Herefordshire Council

Herefordshire Council covers a population of approximately 180, 000 residents. It has 134 parish councils and its membership comprises 31 Conservative councillors; 14 Independent members; 9 Liberal Democrats; 2 Labour; and 2 members for the Alliance for Accountability and Democracy. Its standards committee comprises 4 independent members, 2 elected members, and 2 parish and town council representatives.

As with other cases identified in this study, Herefordshire Council's standards committee provide a good example of organisational learning in the local standards arena. Over the last two years the standards committee has taken a role of developing and shaping many key elements of the authority's constitution, including revising the planning code, Member/Officer protocols, communications protocols, and the protocol of use of council resources. In addition the standards committee was very proactive in seeking to get ahead of the curve on the new requirements (under the *Local Government and Public Involvement in Health Act, 2007*) to establish new local hearings, assessments and review panels, and took part in the Standards Board for England's pilot scheme that ran in 2007. Again this is in keeping with another of our case study organisations.

Perhaps the most notable aspect of Herefordshire's commitment to learning, however, is its extensive use of joint working for training and development purposes, which has involved numerous other authorities. The research team was fortunate to join one of the joint training sessions on the requirements of the new assessment panels, and local hearings. The session was organised jointly Herefordshire Council and Worcestershire County Council and was provided to members of standards committees in each of those authorities plus standards committee members from Hereford and Worcester Fire and Rescue Authority (totalling approximately 35 delegates). The training allowed the research team to engage in full participant observation, and we were allowed to join in the discussions and activities throughout the day. The training covered many key aspects of the new arrangements and was enhanced by scenario work in which small groups from different authorities could work through fictionalised incidents.

We would suggest that such joint arrangements are becoming increasingly more prominent, either formally in arranged training sessions such as this, or else less formally in the various regional meetings that we have already noted in the course of this research.

Herefordshire standards committee has gone much further than this, however, by establishing a close relationship with HALC (Herefordshire Association of Local Councils), the regional division of the National Association of Local Councils. Herefordshire standards committee and HALC have developed a close working relationship over the years: the parish and town council representatives on the committee are both members of HALC and there is traditionally a joint briefing session between the two organisations immediately before standards committee meetings.

The arrangement is particularly beneficial in light of the number of parish and town councils that fall within Herefordshire Council's boundaries. With a total of 134 councils, Herefordshire has more parish and town councils than any other unitary authority in England. As one of the parish

representatives told us, however, the governance arrangements are beneficial for the relationship between authorities: “all parish and town councils go to the same Monitoring Officer for advice, they use the same code and regulations. They understand the regime”.

As a result of the extensive joint working arrangements, Herefordshire standards committee and HALC have been involved in a pilot study for Standards for England to develop a working “compact”. The pilot study has recently drawn to a close and is currently being evaluated by BMG consultants (whose report is not yet available to the research team).

What is particularly interesting about the compact is not in its breadth of joint roles and responsibilities (although these are wide ranging enough) but the depth of activities that the two organisations are involved in. All public information on issues pertaining to the code, for example, is to be developed and issued jointly. The regular pre-standards committee meeting has been enshrined in the compact, and there have been official agreements to work together with other organisations.

The new joint training arrangements are particularly detailed. The compact pledges to:

- Joint training sessions for the benefit of all HALC members will be provided by Herefordshire standards committee and HALC
- In house training for individual HALC member councils will be jointly provided by Herefordshire standards committee and HALC upon request
- Records will be kept by HALC of attendance at the training sessions
- Monitoring and evaluation of the training sessions will be conducted by HALC, using feedback forms to assess the relevance, timeliness and quality of the session.

The benefit of such joint arrangements is clear. Joint provision allows a consistent and accurate message to be delivered, which is particularly important in updates to legislation that can become confused when outlined by different providers. Joint training also allows the standards committee to extend its sphere of influence in a way that reaches out and develops relationships, rather than potentially being viewed by parish and town councillors as interference.

Indeed, this case fits as neatly into liaising with parish and town councils as it does with organisational learning. We feel, however, that the extent of joint training for such a large number of other authorities – in addition to the other joint training and development that standards committee currently engages in – makes Herefordshire stand out as an exemplar of notable practice.

### **Key messages**

- Joint training is an efficient way of covering crucial ground in a number of authorities
- Joint provision can be very usefully extended to organisations other than neighbouring authorities
- Working together can build trust and adds weight to what can often be viewed as an onerous task.



## 9 Case study 7 – Joint standards and audit committee

### Runnymede Borough Council

Runnymede Borough Council covers a population of approximately 82, 600 residents. It has zero parish councils and its membership comprises: 36 Conservative members; and 6 members of the Runnymede Independent Residents' Group. Its standards committee comprises 5 elected members and 2 independent members.

Of all the areas of notable practice identified in this report, perhaps the most controversial would be creation of joint standards and audit committees, not because there is anything inherently difficult with the idea of a joint committee but because there has been conflicting points of view over the years from different agencies about what the best arrangements should be. Whereas academic evidence has demonstrated that a number of joint committees already exist, and Standards for England has occasionally suggested that this may be a useful arrangement, other agencies (most notably the Audit Commission) have lobbied for a separation of standards and audit committees. The current legislative requirement, of course, is that a standards committee is a statutory obligation whereas a separate audit committee is voluntary.

It was very interesting, therefore, to come across an authority which housed a long-standing joint standards and audit committee in Runnymede Borough Council. Runnymede had set up its joint committee as far back as 2003, partly to reduce the number of its committees and also to fit in with its governance structure as an alternative arrangements authority (i.e. it has no Executive structure).

The decision to create a joint authority was one that was very carefully considered. As the Monitoring Officer informed us: "a lot of thought has gone in at officer and member level about it [the committee's] structure". Nevertheless a lot of pressure fell onto the Monitoring Officer in the first instance to create a workable arrangement. After consulting best practice guidelines it was decided that it would be more useful to join together standards and audit rather than scrutiny and audit, a move that Runnymede also felt was comparable to private sector corporate arrangements. Policy and planning were seen as scrutiny issues whereas history and process were viewed as the remit of an audit committee.

Inevitably there was an initial period of nervousness among committee members that they would be required to have a much greater degree of accounting procedures than would ordinarily be assumed, but such fears were allayed relatively quickly. Whereas previously the chief audit officer would report directly to the corporate management team he now reports to the standards and audit committee who consider and comment on his reports. As the Chief Audit Officer told us, however, the key is to communicate the relevant information: "try and give the committee an overview rather than pitching too much detail".

Indeed it was made very clear that to be successful, it was crucial that the roles and responsibilities of a joint committee are firmly drawn and explicitly communicated. During the process of establishing a joint committee a working party met regularly, after which members returned to their respective political groups for discussion and further consideration. A key decision was try and find

a cohesive remit for the joint committee, based around the corporate governance agenda, which would not be too taxing on members. The Monitoring Officer advised “think very carefully about the workload – avoid throwing the kitchen sink into it”.

Thus the joint committee were given clear roles from the outset. In addition to looking at reports from the Chief Audit Officer (and carrying out its statutory functions as a standards committee) the joint committee annually reviews Runnymede’s constitution following an initial redrafting by the Monitoring Officer. The joint committee also looks into staff grievances and appeals, a role that has been assigned to the committee since its inception. In the researchers’ experience this is a fairly unusual arrangement but one that neatly echoes some of our previous research (Lawton et al, 2005) in which we argued that standards committees could usefully apply themselves to broader HR issues. Clearly such a function may be expanded still further if the Officers code of conduct becomes enshrined in law in the future. For the minute all respondents argued that the arrangement was highly valued within Runnymede and that staff felt appreciative that independent members were looking into their cases. There was also an interesting contrast here in terms of workloads: while the joint committee had heard three appeals in the first six months of 2009 it has yet to enact a single hearing against a member.

One final notable point is that Runnymede mirrors the experience of another case – South Cambridgeshire District Council – in its experiences with recruiting independent members. Its first recruitment drive was very poorly received and so for the second four-year term a more prominent advert was placed in more prominent local media. As a result the response rate increased to around 25 applications, 4 of whom were considered as eminently suitable for the post.

It is apparent that opinions regarding joint standards and audit committees are still very much a mixed bag. Nobody at Runnymede suggested that it was ideal for every type of authority but that, when given careful and close consideration, it was an arrangement that worked. This could not have been better summed up than in the words of the independent chair of joint committee: “I’m very worried about this government, and I’m very worried about this country, but I’m not worried about Runnymede Borough Council”.

**Key messages:**

- A joint committee requires very careful planning
- Roles and responsibilities need to be explicitly communicated to all members
- Committee members should not be overloaded with audit information

## 10 Case study 8 – High pressure investigations

### Greater London Authority

Many authorities complain about having to deal with the glare of local (and occasionally national) media. We felt this was worthy of investigation and have secured a case study around the recent investigation into the Mayor of London, Boris Johnson. Two interviews are still to be conducted.

Our interest in this case is in the inevitable goldfish bowl of publicity that surrounded the case rather than the investigation or the results of that investigation. The complaint arose following the arrest of Damian Green, the Conservative spokesman on Immigration by the Metropolitan Police. The complaint against the Mayor arose after he had contacted Mr Green after his arrest and was made by the GLA's Labour leader, Len Duvall. The Mayor was accused of jeopardising the integrity of the Metropolitan Police Authority, of which he chairs, and of bringing the authority into disrepute.

The Standards Committee of the GLA decided that there were grounds for an investigation of the complaint and decided upon an internal investigation. In so doing its options were that the investigation be carried out by a member of its own staff (Deputy MO or Head of internal Audit or similar individual), an officer from another authority under a 'buddy' system, a large law firm or one of the small law firms that specialise in such investigations. It chose the latter and appointed Jonathan Goolden of Goolden Associates to carry out the investigation. The name of the investigator was known once the report was published.

The Investigation was completed within six weeks by Jonathan Goolden and an associate. The investigators were made aware of the interest of the community of political 'bloggers' when the decision by the Assessment sub-committee of the Standards Committee was on the Internet before the committee members had even left the meeting room. The investigators were keen to stay focused on the investigation not least because "it was a very crowded landscape." The Home Affairs Select Committee was conducting a parallel investigation and interviews were being held for the new head of the Metropolitan Police. Subsequent events have illustrated the tense relations between the Mayor's Office and the Metropolitan Police. The investigators had full co-operation from all parties in the investigation and there was no suggestion of the process being manipulated.

The Standards Committee managed the timescale so that the investigation would be completed as quickly as possible and made sure that the findings were published openly. The GLA is a small organisation, subject to world-wide scrutiny and a high profile mayor and any investigation of this kind is full of "elephant traps". The outcome of the investigation was reported in both the print media and online. Depending upon who was doing the reporting, the line taken was either that "Boris is in the clear" or the adverse findings were reported such as his actions were "extraordinary and unwise (para 8.20) or risked being "perceived as furthering private interests."

### Key messages

- In conducting the investigation in such a high profile case, the integrity of the Standards Committee and the GLA is enhanced, demonstrating that its actions are 'without fear or favour'.

- By appointing an 'internal' investigator the Standards Committee retained control over the process.
- The cost of the investigation may be beyond the resources of the average District Council.

## 11 Case study 9 – Engaging leadership

### Newcastle City Council

Newcastle City Council covers a population of approximately 271, 600 residents. It has 6 parish councils and the council membership comprises 78 councillors: 49 Liberal Democrat and 29 Labour (0 Conservatives or Independents). The standards committee is made up of 6 elected members, 4 independent members, and 3 parish members.

In 2009 Newcastle City Council found itself shortlisted for the inaugural LGC standards committee of the year award. Unlike other authorities shortlisted for the same prize, Newcastle's standards committee had no single specific achievement to make itself stand out. Instead it put itself forward as a sustained success story, in which the standards committee had become an embedded and vital element of the authority. The committee had achieved this success through a long term commitment and continual engagement of leaders whether these were political, officers, or independent members of the standards committee itself.

The first notable element of the case, like several others previously identified in the study, is that standards were a part of Newcastle's agenda before the *Local Government Act 2000* introduced standards committees as a legal obligation in local authorities. Originally introduced in 1999 as a joint standards/audit committee, the standards committee was not designed to tackle any particular problem but rather to reinforce the already favourable public view of the council. The Monitoring Officer explained to us: "you can criticise Newcastle for many things but we have never had a history of bad behaviour"; a point reinforced by the legal advisor to the committee who highlighted "a culture of good behaviour and compliance [in Newcastle]".

The standards committee was also ahead of legislative requirements in a number of other key aspects. From its inception it had been chaired by an independent member and it has always maintained a coterie of three independent members as part of its structure.

The standards committee thus seems to be part of a symbiotic relationship between local authority and public, which appears to be largely one of trust and respect. The authority had never experienced a complaint about breach of the code of any sort until late 2008, when two complaints were levelled against members. As a result the standards committee has not sought to introduce any specific public facing roadshows or open days, but it has been involved in broader initiatives such as Newcastle's *City of Peace* campaign to look at cultural awareness within the city. It has also been involved in issues outside of its statutory duties.

There is a further symbiosis in the relationship between members of the standards committee, officers, and political members that has led to the committee being recognised as central to the local authority.

In terms of members there is widespread recognition that the Independent Chair of the committee is very highly regarded throughout the authority: "[he] has established such a rapport with everyone in the authority, there is clear respect in the way he is received at council". The Chair has remained in post since the committee was first established (although there are regular elections every three

years) and he has managed to build up sustainable relationships with others. He personally also indicates that one notable reason for his longevity is his understanding of politics and local government more generally: his father was involved in local government for 40 years and he himself is involved in trade unions. Also due to his wider political interests the Chair is well known in other regional circles and is a familiar figure to politicians and officers in other (non local government) areas. As both the Monitoring Officer and legal advisor both recognise, however, the Chair has managed to retain a strong sense of independence and has been at the forefront over proactive measures regarding the code of conduct, perhaps most notably establishing a requirement that all members hand in regular gifts and hospitality accounts, even though these are regularly nil returns. Seen initially by some members as a rather futile exercise the Chair successfully persuaded the authority that it was a very proactive way of displaying transparency and accountability throughout the city. It would be inaccurate, however, to view Newcastle's standards committee as the beneficiary of just one single individual. Other members are equally important, and there was a crucial exchange of knowledge when the joint standards and audit committee split into two separate committees. To maintain a sense of continuity the Vice Chair of standards became Chair of audit, while the Chair of standards moved into the Vice Chair's position in the new committee.

Perhaps even more important, however, is the level of political support that the standards committee has always received. All respondents were keen to highlight the support that party whips give the committee, crucial in maintaining discipline within political parties and ensuring that the views of the standards committee are taken seriously elsewhere. Again we have seen how this has occurred in other cases, most notably in Bristol City Council. In addition there are senior political members on the standards committee itself, reinforcing the importance and gravitas of the committee.

There has also been sustained support from senior officers, perhaps most notably the Chief Executives that have been in place in the last decade who have often presented specific reports from the standards committee to senior management meetings. These factors have all contributed to a situation in which the standards committee is held in high regard within the authority, to the extent that all members of the committee are given allowances for their work, whereas the Chair is regarded as being on a par with any full-time committee chair (planning, licensing, etc.) and is remunerated accordingly.

The notable practice most clearly identified in this case, therefore, is the ongoing and sustained engagement of the leadership of the authority, focussing on the triumvirate of political leadership, officer leadership and independent leadership of the committee itself. As it has never been forced to respond to any particular crisis, the standards committee has found itself in a position of being constantly looking for new ways to engage further and develop its own roles and remit in a way that has enhanced its standing within the authority.

### **Key messages**

- A committed independent chair is invaluable
- Political support is crucial for long-term development
- Committee members need to be valued by the authority

## 12 Conclusions

It has never been the intention of this research project to provide scientifically precise, mathematically validated conclusions about what may be regarded as notable practice in standards committees. On the contrary, our aim has always been to flesh out some of the very real stories that standards committees have to tell and allow any reader to draw their own lessons from them. It is fair to say, however, that in the course of our nine in-depth case studies some fascinating patterns emerge that we would like to draw out here as general considerations for the future of standards committees.

1. *Context does not appear to be crucial.* In the course of our project we have been privileged to encounter all sorts of different standards committees in a wide variety of local authorities. The variations were extremely apparent throughout: cases ranged from urban to rural; large to small populations; nearly one hundred and fifty parish councils to zero. Most importantly our studies took us to standards committees that faced almost continual complaints and investigations and also to others that are still to face a single case. What was extremely interesting to note that despite this broad spectrum, each committee we investigated had managed to produce some type of notable practice. This may seem a rather bland conclusion until one considers that the two most common complaints about proactivity in standards committees is either: (a) that standards committees are too busy to be able to progress beyond a heavy workload, or; (b) that standards committees have nothing to do and little direction. Our research strongly suggests that neither of these issues need apply: standards committees in both extremes have managed to forge notable ways of working that have made them a valued and valuable cog in the wheel of local government.
2. *Notable standards committees are notable for several reasons.* One of the truly fascinating features of our investigation was that not once did we find a standards committee that was notable solely for the practice that we were initially interested in. Indeed several of the standards committees had done, or are considering, many of the practices we have identified. Several committees, for example, are now considering creating a joint standards and audit committee; several others have engaged in public awareness campaigns of one form or another; nearly all of the standards committees had been involved in joint training of some variety; more than one had utilised more accessible forms of recruitment for independent members. Thus it seems reasonable to suggest that standards committees are beginning to engage with their roles in an expansive and very productive fashion – even those that are heavily under fire from a barrage of complaints and potential hearings.
3. *Leadership is essential.* This conclusion may seem so blindingly obvious that it barely warrants mention, but leadership is one of those organisational virtues that is constantly extolled but rarely elaborated upon. Nowhere is this more apparent than in the realm of local government, a sector which has commonly found itself being encouraged to take up a leadership role while having the forces of centralisation simultaneously act as a restraint. It was very interesting, therefore, to see that in all the cases we investigated there was a strong sense of shared leadership: from members of the standards committee itself; politicians; and leading officers. One of our previous pieces of research (Lawton, et al 2005) found

substantial evidence that Monitoring Officers were still the lynchpin of the standards committee and that the majority of committees were reliant on MOs for their expertise and guidance. In the cases we studied this no longer appeared to be the case. While Monitoring Officers were (and no doubt always will be) absolutely central to the work of the standards committee non-elected members and independent chairs appear to be acting with confidence and a sense of genuine authority. Even more important was that standards committees that genuinely embraced elected members (for example, having leading politicians on the committee or encouraging the attendance of party whips) were seen as having authority, respect and standing within the authority. Our research may not provide a definitive model of the ideal standards committee, but it certainly fleshes out genuine and sustained stories of successful leadership in local standards.

4. *Composition of Standards Committees needs to be balanced.* We have found that Standards Committees are now being more imaginative in their recruitment of independent members and now have less difficulty in attracting applicants. This gives Standards Committees the opportunity to think about the skill mix of those that they recruit. Not only that, but the independents can bring a range of different experiences, often from different sectors, to the Committee and this adds to organisational learning.
5. *Standards committees learn from each other.* Probably the single most crucial finding from this research is that standards committees are involved in a substantial array of networks throughout the country, which act as a focal point for organisational learning. Some of these are based on national bodies, such as the *Association of Independent Members of Standards Committees*; others are geared towards specific tiers within the standards framework, for example the *North East Assembly of Independent Chairs*, or the South West conference for independent members; others still are based within specific regions, such as an annual assembly of authorities in Somerset, which the research team were fortunate to attend. These are not isolated incidents, however, and every standards committee throughout the country seems to be attached to one or more informal networks. This is crucial as it would indicate that standards committees are taking their lead from each other rather than from Standards for England or the DCLG, not that these agencies are unimportant but that standards committees are now much more confident about doing things for themselves.

As we stated in the introduction one of the most important facets of our research has been the manifold application of organisational learning within standards committees and this is the case, to some degree, in all of the cases we have looked at. In our experiences standards committees have thoroughly shaken off the tag of 'lap dogs' and in every sense have been very proactive to engage in continuous improvement and their own learning and development.



## Future Work Plan – Standards Committee

ITEM/REPORT	DATE	RESPONSIBLE OFFICER/MEMBER
Joint Standards Committees	October	Tonya Meers
Meeting with Chief Executive and Leader	September feedback for October meeting	Anne Elder/Maurice Standbury
IDeA Ethical Governance toolkit	October	Tonya Meers
New Code of Conduct	October	Tonya Meers
Feedback from Annual Assembly	October	Tonya Meers/Ann Elder/David Greig/Richard Bryant
Review of Member/officer protocol	December	Tonya Meers
Update on complaints	Every meeting	Tonya Meers
Better working with other committees	December	Tonya Meers/Anne Elder
Performance Indicators	January	Richard Bryant
Annual report	January	Tonya Meers/Anne Elder
Probity and Planning	October	Peter Malim/ Robert Symons