

Report of:	Meeting	Date	Item No.
John Shaw Chairman	Standards Committee	30 July 2009	7

Public Notice Requirement following a Hearing

1. Purpose of Report

- 1.1 To seek the Committee's views on a further response to the Minister for Communities and Local Government on the requirement to publish a public notice.

2. Outcomes

- 2.1 A more cost-effective approach.

3. Recommendation

- 3.1 The Standards Committee is invited to consider what further action to take and what, if any, response should be made to the letter.

4. Background

- 4.1 Members will recall their disquiet at the costs incurred in complying with the requirement to publish a public notice in a local newspaper following a hearing.
- 4.2 At its meeting on 15 June 2009 the Committee received a copy of the letter sent by the Monitoring Officer to the Department for Communities and Local Government and the reply from Rosalind Kendler on behalf of the Department. Members found the response to be disappointing and the Chairman was tasked with writing to the Minister for Communities and Local Government to reiterate the concerns expressed in the original letter and expressing concern about the unsatisfactory response. A copy of the Chairman's letter is attached at Appendix 1.

5. Key Issues and Proposals

- 5.1 A similar response (Appendix 2) has been received from Steve McAllister, a member of the Minister's Department. The reply does little to explain the thought process in setting the requirement to publish, nor does it answer the important question of cost.

5.2 It is proposed that a further letter be sent addressing the following issues:

- the need for further explanation regarding the DCLG's rationale for setting the requirement. For example, how was the balance between public interest and cost established? Was consideration given to the most effective means of publication?
- Should we propose that the DCLG consults the "customers" (Standards Committees and bodies such as the Local Government Association) regarding the need for publication?
- Should the Standards Committee commence a campaign for change, perhaps invoking support of the North West Independent Members' Forum?

A draft response is attached at Appendix 3.

IMPLICATIONS	
Finance	There is no specific budget for such costs (circa £500 for each notice) and money therefore as to be diverted from other budgets which are already under pressure.
Legal	None
Community Safety	None
Equality and Diversity	None
Sustainability	None
Health and Safety	None
Risk Management	None
Asset Management	None

Report Author	Telephone No.	Email	Date
John Shaw, Chairman and Jan Finch, Monitoring Officer	01253 887502	jfinch@wyrebc.gov.uk	15 July 2009

List of Background Papers:		
Name of Document	Date	Where available for inspection
None	-	-

LIST OF APPENDICES

Appendix 1 – Letter to the Minister for Communities and Local Government

Appendix 2 – Response from Steve McAllister, CLG

Appendix 3 – draft response from the Chairman

APPENDIX 1

The Right Honourable John Denham MP
Secretary of State for Communities and
Local Government
Dept for Communities and
Local Government
Eland House
Bressenden Place
LONDON SW1E ; 5DU

Jan Finch MA FCIPD
**Deputy Chief Executive and Monitoring
Officer**

Please ask for: John Shaw
Direct Line: 01995 603672
Email: johnshaw5@tiscali.co.uk
Our ref: js/rm/letters/jdmp250609
Your ref:

25 June 2009

Dear Mr Denham

Standards Committee Hearings – Public Notice Requirement

Our Standards Committee is somewhat concerned about the requirement to publish the outcome of a hearing against a councillor in a local newspaper . We have had three cases recently, and each notice has cost £500 which members of the Standards Committee consider to be an unnecessary use of Council Taxpayers' money.

The Standards Committee asked the Monitoring Officer to raise this issue formally with the Department for Communities and Local Government with a view to understanding the rationale behind this requirement and, more importantly, whether it could be reviewed. I am afraid she received a rather stock reply, which in summary stated that the rule must stand and there were no plans for review. I attach a copy of this correspondence for your information.

Members of the Standards Committee found this answer to be unsatisfactory and failed to give a credible reason for the requirement. I say this because we consider that in this age of modern communications, our approach is open and transparent and the case details and outcomes are recorded in a way which is fully accessible to the public.

Two of the three cases were held in public, the press were in attendance, and all the details appeared on the Council's website. The third case involved no breach, but the member asked for the outcome to be made public in order to clear his name as the complaint against him had been mentioned in the public arena.

cont'd ..

The Council members of the Committee are also concerned about defending this use of taxpayers' money to their constituents particularly in these cash-constrained times. It is also questionable how many people actually see or read public notices. The Standards Committee recognises the need to put such information in the public domain, but feels current reporting is adequate to the purpose. As an added safeguard, the Standards Committee would be prepared to add a new procedure to its rules of operation by which each case would be reviewed with regard to the quality of reporting and where necessary a specific notice would be published.

As an independent member and Chairman of the Standards Committee, may I ask you to review this requirement with a view to rescinding or modifying it.

Yours sincerely

John Shaw FCIPD
Chairman, Wyre Borough Council Standards Committee

Enc: correspondence

Copies to Ben Wallace MP and Joan Humble MP
Copy to J Finch, Monitoring Officer

Arm/rg/sta/cr/09/3007rs2 Appendix 1

9 July 2009

Mr John Shaw
Chairman, Wyre Borough Council
Standards Committee
Tyre Borough Council
Civic Centre
Breck Road
Poulton-le-Flyde
Lancashire
FY6 7PU

Our Ref: JD/16/017928/09
Your Ref: js/rm/letters/jdmp250609

Dear Mr Shaw,

Standards Committee Hearings – Public Notice Requirement

Thank you for your letter of 25 June to John Denham about the public notice requirements arising from standards committee hearings. Your letter has been passed to me for response as I work in the team that has policy responsibility for conduct.

I'd like to begin by giving you my absolute assurance that Rosalind Kendler's letter of 15 May to Jan Finch at Wyre Borough Council was not a 'stock' reply. The original letter from Ms Finch came addressed to me and I asked Rosalind to respond, after we had discussed its contents, and how to respond, at length.

As well as having policy responsibility for conduct my team, which includes Rosalind, has responsibility for the Code of Recommended Practice on Local Authority Publicity. This, as well as our work with the conduct regime, means that the costs and benefits of statutory notices in newspapers is a subject of frequent debate in the team.

I consider the points that Rosalind made in her letter sound and confirm that there are no plans at present to review the requirement to place notices in local newspapers about the findings of standards committees.

Yours sincerely,

Stephen McAllister

arm/rg/sta/cr/09/3007rs2 Appendix 2

Department for Communities and Local Government
3/J5
Eland House
Bressenden place
London
SW1E 5DU

Tel 020 7944 4277
Email e mail:
stephen.mcallister@communities.gsi.gov.uk

Draft Letter in reply to McAllister letter of 9.7.09

Dear Mr McAllister

Standards Committee Hearings, Public Notice Requirement

Thank you for your e mail of 9 July in response to my letter.

The Standards Committee is somewhat disappointed with your reply, which fails to respond to the points and suggestions made. As I understand it, the matter is reviewed within your team, and because the team sees no need to review the matter, the status quo applies. Frankly, that response does scant justice to the serious point being made.

You make no attempt to justify the rationale for this policy, and request that you do so. In particular, would you please address the following points:

1. Have you considered other options? If so, what were they and why were they rejected? The Wyre BC Standards Committee argues that it would be more productive to publish via the Council's "Wyre Voice" free paper which is more cost effective and reaches every home. By publishing in the Blackpool Gazette, great expense is incurred and we know it does not reach every home in Blackpool, let alone other districts in the Borough.
2. As part of your "Conduct Regime" have you consulted the customers (i.e. the local councillors and Standard Committees regarding the effectiveness and relevance of your policy? If so, what was the outcome, and if not, why not?
3. With regard to effective use of tax payers money, how would you justify the expense (£500 per notice) to our local taxpayers.

I look forward to a more constructive reply than the previous one, and hope you will re-consider this matter on the roader lines suggested. We shall certainly be raising the matter elsewhere; via MPs and the relevant local government forums.

Draft prepared by J Shaw, 12.7.09

Arm/rg/sta/cr/09/3007rs2 Appendix 3