

NOTE

STANDARDS COMMITTEE COSTS

Introduction

This note addresses the questions asked by Marianne Fredericks, CC, set out below in relation to the cost of the Standards Committee. It is prepared and submitted on behalf of the Town Clerk, the Chamberlain and the Comptroller & City Solicitor.

The Questions

The questions and answers are as follows.

1. Where is the oversight for the Standards Committee's budget?

The Standards Committee does not have its own budget. It is serviced by officers from the Town Clerk's and City Solicitor's Departments and any spend on external advisers or investigators are dealt with through the appropriate Departmental budget under the Scheme of Delegation. The service Committee for both the Comptroller & City Solicitor's Department and the Town Clerk's Department is the Establishment Committee, which approves both Departments' budgets and receives relevant business plans and out-turn reports.

2. What amounts were spent each year on running the Standards Committee from its set up in 2012 to now?

The Town Clerk's Department does not time record or cost against individual Committees. The City Solicitor's Department time records and costs committee attendance at an hourly rate of up to £120 an hour. The totals from 2012 to the present are set out in **Table A** below. This includes all time spent on running the Standards regime as a whole, including answering individual member queries on interests and the Code of Conduct.

3. What is the full breakdown on costs for each hearing (for example costs of legal support and advice both internal & external, investigations costs, admin support costs, etc).

The internal costs of the three complaints that progressed to a full hearing and appeal are set out in **Table B** below. As above, figures are not available for the Town Clerk's Department. Internal costs of cases which did not proceed to the hearing stage are included in **Table A**.

The external costs of the three complaints that progressed to a full hearing and appeal together with other external expenditure incurred in the Bourne Review and the challenges to the Dispensations Policy are set out in **Table C** below.

4. Who signs these costs off and if they are from separate budgets, which ones?

Use of counsel and external investigators is within delegated authority and signed off by the Town Clerk or the City Solicitor as appropriate.

5. What are the estimated future costs for the Standards Committee and hearings?

It is not possible to give such an estimate. Clearly costs are a function of the number of meetings, reports and complaints and how they are responded to by members. If, as has been the case since 2016, policies and procedures are constantly reviewed, and complaints are received and vigorously contested then costs are likely to continue to be considerable.

It should be noted that as a local authority function the statutory duty to determine complaints cannot be delegated other than to a committee, joint committee or another local authority. There is however no obligation to have a dedicated Standards Committee.

6. What costs were incurred on the Standards Committee from 2000- 2011, (under old system before the newly formed committee in 2012) if they are still available?

The internal costs as far as records show of running the Ethical Framework under the Local Government Act 2000 are set out in **Table D** below. Again, they are the City Solicitor's costs only. As far as we are aware there were no complaints which fell to be dealt with by the Corporation.

It should be noted that there are significant differences between the regime under the Local Government Act 2000 and the Localism Act 2010. In particular the Code and complaints procedure were fixed by statute and the Standards Board and local authorities could not investigate complaints themselves until 2005 and then only the less serious ones. There was also much less discretion in relation to dispensations. The Localism Act has therefore given members discretion where none existed before which has clearly contributed to the time expended on these matters.

Data Tables - A to D

Table A - Internal costs - The totals from 2012 to the present

Year	Internal
2012	£27,174
2013	£19,534
2014	£30,005
2015	£36,847
2016	£87,136
2017	£57,725
2018	£101,828
2019	£46,647
2020 Q1	£27,306
TOTAL	£434,202

Table B - Internal costs of the three Complaints that progressed to a full Hearing and Appeal

Expenditure	Cost
Hearing 1 (2016)	£16,404
Hearing 2 (2018)	£15,613
Hearing 3 (2019)	£14,024

Table C - External Costs of the three complaints that progressed to a full Hearing and Appeal together with other external expenditure incurred in the Bourne Review and the challenges to the Dispensations Policy

Date	Expenditure (description)	External Advice	Total Cost	Budget	Reason for Expenditure
2017	Standards (Bourne) Review	Charles Bourne QC	£29,300	C&CS	Instruction by Court
2018	Hearing 2	James Goudie QC	£2,310	C&CS	Second opinion as Internal advice disputed
		Jonathan Swift QC and Peter Oldham QC	£10,950	C&CS	Complainant objected to internal adviser at Hearing and Appeal stages
			£7,680	C&CS	
		John Austin Associates (Investigators)	£2,706.25	C&CS	External investigation appropriate in circumstances
2019	Hearing 3	CH&I Associates (investigators)	£3,675.50	C&CS	External investigation appropriate in circumstances
2019-2020	Hearing 3: Appeal Hearing	Joanne Clement	£6,683	TC	Requested by Appeal Sub-committee
2019-2020	Challenges to Dispensation Policy	Philip Kolvin QC	£2,225	C&CS	External opinion due to ongoing challenge to policy
TOTAL			£65,529.75		

Table D - Internal costs as far as records show of running the Ethical Framework under the Local Government Act 2000 from 2001 to 2011

Year	Costs
2001 – 2007	No data available
2008	£6,632
2009	£8,706
2010	£9,604
2011	£7,402
TOTAL	£32,344

Town Clerk
Chamberlain
Comptroller & City Solicitor
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