

AGENDA



For a meeting of the
STANDARDS COMMITTEE
to be held on
FRIDAY, 6 NOVEMBER 2009
at
2.30 PM
in the
WITHAM ROOM, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM
Beverly Agass, Chief Executive

Committee Members:	Councillor John Harvey, Mr. C. Holtom CBE. (Chairman), Councillor Reg Lovelock MBE., Mr. F. Mann (Vice-Chairman), Councillor Andrew Moore and Councillor Mike Williams
	Two parish representatives to be appointed from the following: Councillor Mrs S Cliffe (Bourne Town Council); Councillor R. Rose (Thurlby Parish Council); Councillor J. Judge (Stamford Town Council); Councillor J. Winstone (Langtoft Parish Council); Councillor H Powell (Bourne Town Council); Councillor P Cosham (Market Deeping Town Council)
Committee Support Officer:	Paul Morrison tel: 01476 406512 p.morrison@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. MEMBERSHIP

To appoint two parish representatives with voting rights for this meeting.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

Members are asked to declare interests in matters for consideration at the meeting.

4. MINUTES OF THE MEETING HELD ON 4TH SEPTEMBER 2009

(Enclosure)



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5. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

6. SBE DVD ON THE ASSESSMENTS PROCESS

To view this DVD from the Standards Board for England.

7. STANDARDS BOARD ANNUAL REVIEW 2008-9

Monitoring Officer to report.

(Due to the size of the report, hard copies will be sent to Committee members only - copies may be obtained from the Standards Board for England Website at www.standardsforengland.gov.uk)

8. SBE ANNUAL CONFERENCE 12TH/13TH SEPTEMBER 2009

Chairman to report.

(Attached)

9. TALK REGARDING OTHER ACTION AT LINCOLN

Chairman to report.

(Attached)

10. LINCOLNSHIRE STANDARDS FORUM

Report number DEM035 by the Principal Democracy Officer.

(Attached)

11. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE

No applications had been received at the time of agenda preparation.

12. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

MEETING OF THE STANDARDS COMMITTEE

FRIDAY, 4 SEPTEMBER 2009 2.30 PM



PANEL MEMBERS PRESENT

Councillor Paul Cosham (Market Deeping TC)
Councillor John Harvey
Mr. C. Holtom CBE. (Chairman)
Councillor John Judge (Stamford TC)

Councillor Reg Lovelock MBE.
Councillor Robert Rose (Thurlby PC)
Councillor Mike Williams
Councillor Jim Winstone (Langtoft PC)

OFFICERS

Deputy Monitoring Officer
Solicitor
Principal Democracy Officer
Democratic and Scrutiny Support Officer

OTHERS PRESENT

2 Members of the public.

21. MEMBERSHIP

Councillors Judge and Rose were appointed Parish representatives with voting rights for this meeting.

22. APOLOGIES

Apologies for absence were received from the Vice Chairman Mr Fred Mann, Councillor Moore (SKDC) and Councillor Cliffe (Bourne TC).

23. DECLARATIONS OF INTEREST

The following interests were declared:-

Councillor Cosham – personal interest in item 8, consideration and / or hearing of complaint SCC 20562, due to his knowledge of the complainant.

Councillor Judge – personal interest in item 8, consideration and / or hearing of complaint SCC 20562, due to his knowledge of the member being complained about.

Councillors Harvey, Lovelock and Williams - personal interest in item 8, consideration and / or hearing of complaint SCC 20562, due to them serving on the same council as the member being complained about.



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24. MINUTES OF THE MEETING HELD ON 10TH JULY 2009

The minutes of the meeting held on the 10th July were approved as a correct record.

25. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE

No requests for dispensations had been received.

26. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

The Deputy Monitoring Officer advised the Committee that there was one complaint due to go before the Review Sub-Committee in the following week. Other than that complaint, and the complaint for consideration and / or hearing at today's meeting, there were no other complaints / investigations outstanding.

27. CONSIDERATION OF THE GUIDANCE PROVIDED IN RESPECT OF JOINT STANDARDS COMMITTEES

Decision:-

The Standards Committee does not consider it necessary or appropriate to pursue the provision of a joint committee at this time.

The Deputy Monitoring Officer introduced report LEG052. He reminded members that this matter had been considered briefly at the previous meeting on 10th July 2009 as part of discussions on the Standards Committee (Further Provisions) (England) Regulations 2009 which came into effect on 15th June 2009.

Members discussed the possible benefits and drawbacks of a joint committee, and considered the various types of joint arrangement that may be adopted.

Members felt very strongly that the Committee works well as it is, and expressed their reservations about creating a joint committee. Their main concerns were:

- The current Committee had local knowledge – knowledge on places, people and local history. This knowledge can help greatly at all stages but in particular at the assessment stage of a complaint; many complaints could be filtered out at an early stage if members could see that there was an underlying motive i.e. history between two members, political motivation, tit-for-tat etc. A joint committee would lose that local knowledge; therefore more complaints may go forward for investigation, when they could have been dealt with in another manner which would have satisfied both parties and used fewer resources.
- The majority of complaints were sourced from parish councils. The current Committee already had 65 parish and town councils within its remit. A joint committee would have a vast amount more.
- If a joint committee was set up, complainants and members would most likely have to travel further for hearings etc, which would put an

extra financial burden on them. There was also concern about the practicalities of interested parties without access to a vehicle having to potentially travel from within the district to attend the joint committee, which it was presumed would be located in Lincoln. The committee believed this raised questions around accessibility as there would not always be a direct route by way of public transport to a centre in Lincoln, and public transport itself raised concerns around cost and time.

- Other Standards Committees across the County may have resource problems with finding investigating officers etc, but that was not a problem experienced by the SKDC Standards Committee. The Committee already had a number of officers to hand who could carry out investigations.
- The public perception – would it be more difficult for members of the public to make complaints and to understand the process?

Members could not see a clear benefit for the council to enter Joint Standards Committee arrangements. It was proposed, seconded and unanimously agreed that The Standards Committee did not consider it necessary or appropriate to pursue the provision of a joint committee at this time.

28. CONSIDERATION AND / OR HEARING OF COMPLAINT SCC 20562

The Chairman introduced the procedure for the consideration / hearing. He asked Members to confirm any declarations of interest. The following personal interests were declared:-

Councillor Cosham – due to his knowledge of the complainant.

Councillor Judge – due to his knowledge of the member being complained about.

Councillors Harvey, Lovelock and Williams - due to them serving on the same council as the member being complained about.

Councillor Williams wished to have it minuted that he did not feel comfortable making a decision on this matter, as he was in the opposition party to the Member being complained about. The Deputy Monitoring Officer reminded Members that the Standards Committee does not have to comply with the political balance rules in section 15 of the Local Government and Housing Act 1989. He also reminded the Committee that the point of having a local Standards Committee was so that Members were answerable to their peers.

The Chairman noted that neither the complainant nor the member were present. The Investigating Officer confirmed that he had contacted both parties and informed them of the date of the meeting. He had also sent copies of his final report to them and neither party had asked for amendments to be made. Both parties had also informed him that they would not attend the proceedings. The Investigating Officer confirmed that both parties were fully aware of the process and the implications of their non-attendance. The Chairman asked the Committee to confirm that they were happy to proceed without the complainant

or member being present. Members agreed that the Committee should continue into its consideration of the case.

EXCLUSION OF THE PUBLIC

IN ACCORDANCE WITH SECTION 100A (4) OF THE LOCAL GOVERNMENT ACT 1972, THE PUBLIC BE EXCLUDED FROM THE MEETING BECAUSE OF THE LIKELIHOOD, IN VIEW OF THE NATURE OF THE BUSINESS TO BE TRANSACTED, THAT IF MEMBERS OF THE PUBLIC WERE PRESENT, THERE WOULD BE A DISCLOSURE TO THEM OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 10 OF PART 1 OF SCHEDULE 12A (AS AMENDED).

(3.00 pm the public left the meeting).

With the press and public excluded, the Solicitor outlined the complaint and the findings of fact following the Investigating Officer's investigation. Members were advised that the allegations were investigated under the 2001 Code of Conduct as well as the 2007 Code of Conduct. He confirmed that it was not disputed that the Member was acting in his official capacity at the times of the alleged misconduct and the Member did not deny being at the meetings or taking part in the particular issue. Furthermore, the Solicitor informed the Committee that the Member did not deny registering personal interests at some of the meetings but not others.

(3.14pm – the Investigating Officer and Councillor Winstone left the meeting).

The Committee considered the Investigating Officer's comments, along with his report LEG 050.

After considerable discussion, it was proposed, seconded and unanimously agreed to concur with the Investigating Officers recommendations; that Councillor Auger, in failing to declare a personal interest, had acted contrary to paragraphs 8 and 9 of the 2001 and 2007 members' Codes of Conduct; but that he had not breached the Code in respect of the alleged breach of paragraphs 10 and 6.

(At 3.40 pm the Investigating Officer and the public were re-admitted to the meeting).

The Chairman advised the Investigating Officer and the public that the Committee were minded to concur with the Investigating Officer's recommendations. As there were no disputed facts, and no new information, the Solicitor then advised the Committee on possible action they could take / sanctions they could impose.

(3.44pm – the Investigating Officer and the public left the meeting).

The Committee discussed possible sanctions that would be appropriate. Members were keen that the Committee should be seen to be open and transparent.

(4.01 pm – the Investigating Officer entered the meeting).

The Investigating Officer informed the Committee that he had just returned to his desk to find an email from the Complainant, which had been sent at 1.45 pm that afternoon. The Investigating Officer distributed this email to Members of the Committee. The Chairman suggested that the email contained no new information, and did not change the thinking of the Committee. He also noted that the email had only been sent 45 minutes before the start of the meeting. The Committee noted the information in the email but agreed that the email did not change their decision, and had not raised anything that had not been considered by the Committee.

(4.10 pm – The Investigating Officer left the room and did not return).

(4.11 pm – the public were re-admitted to the meeting).

The Chairman read out a prepared statement of the decision as noted below:-

Decision:-

- 1. The SKDC Standards Committee agree with the Investigating Officer's recommendations that Councillor Auger did fail to comply with paragraphs 8 and 9 of the 2001 and 2007 Codes of Conduct when he failed to declare a personal interest at 7 meetings of the Deeping St James Parish Council between July 2006 and February 2009.***
- 2. The Committee concurs with the Investigating Officer that Councillor Auger did not breach the members' Code of Conduct in respect of failure to declare a prejudicial interest or that he used his position improperly to confer an advantage or disadvantage.***
- 3. The Committee was disappointed that Councillor Auger was unable to attend the meeting.***
- 4. The papers referring to this case will be deemed as public documents (less personal information as per the Data Protection Act 1998) unless a reason to retain them as confidential is suggested by the Complainant or Member being complained about within 30 days from the date of this decision being published, and the Committee determine the reason is acceptable.***

Censure for failure to comply with Paragraphs 8 and 9 of the 2001 and 2007 Members' Codes of Conduct:

- a.) The Committee advises Councillor Auger that he should consider making a public apology to the Parish Council for failing to declare a personal interest and;***

- b.) The Chairman of the Standards Committee will spend time with Councillor Auger explaining the intricacies of the 2007 Members' Code of Conduct in this respect.***

Reasons for the decision:-

- (a) The proximity of the Councillor's home to the site of the Manor Court Refurbishment site was such that it would affect the wellbeing of the Councillor and members of his family, more than the majority of inhabitants of the ward or electoral division.***
- (b) The Committee were satisfied that the refurbishment would not affect the member's financial interests as the refurbishment of the land would not alter the use or appearance of the land to an extent that it would impact negatively or positively on the amenity value of his home.***
- (c) Similarly, the Committee were content that a member of the public, with knowledge of all the relevant facts, would not reasonably think the member's personal interest is so significant that it was likely to prejudice the Councillor's judgement of the public interest. The relevant facts are that the appearance and use of the land contained within the Manor Court Refurbishment site would remain substantially unchanged.***
- (d) The Committee were content from the evidence provided that the Councillor considered the impact of the refurbishment not merely with his own personal interest in mind but with consideration to the impact on the wider community, and in particular he considered the impact on the neighbouring Catholic Church, and residence.***

29. CLOSE OF MEETING

The Chairman thanked Members and Officers for their dedication and support.

The meeting closed at 4.15 pm.

DEMOCRACY SERVICES

Your ref:		Please ask for:	Miss J. Gibson
Our ref:	JG/PM/SC	Direct line:	01476 40 61 22
Date:	24/07/09	Email:	j.gibson@southkesteven.gov.uk
Our DX:	DX27024-Grantham	Fax:	01476 40 60 00

Dear Parish Clerk,

Guide to Dispensations

As you may already be aware New Standards Committee (Further Provisions) (England) Regulations 2009, came into force from 15 June 2009. These regulations, amongst other things, revised the rules in relation to the granting of dispensations. They permit the South Kesteven District Council's Standards Committee to grant a dispensation to a member of a Parish or Town Council on a matter with which they would otherwise not be permitted to deal, as a result of a prejudicial interest. Many Parish and Town Councils have adopted the optional provisions in the Code of Conduct that allow members with a prejudicial interest to make representations in relation to the matter that gave rise to the interest. However they are not entitled to vote and have to leave the room. On occasions there would be so many members leaving the room, sometimes in relation to the same interest, the meeting is no longer quorate and the matter cannot be discussed. The Regulations are designed to avoid this happening where possible.

The Regulations specify that dispensations may only be granted if:

- (i) half the members entitled or required to participate in the business of the Parish or Town Council would not otherwise be able to because of prejudicial interests or
- (ii) the business of the Parish or Town Council will be impeded because the absence of members as a consequence of prejudicial interests would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting.

A member is required to submit a written request for a dispensation explaining why it is desirable and that the Standards Committee must conclude that having regard to these matters and all the other circumstances of the case, it is appropriate to grant the dispensation. The Committee will consider a number of factors in reaching its decision. It will weight up the risks and consequences of both granting or refusing an application, the extent to which the request could have been avoided, whether other arrangements could be made, the affect on public perception and confidence in local governance, the extent to which there is some personal benefit and the extent of public benefit obtained by agreeing to a dispensation. The Committee can decide the nature of any

dispensation it grants. It could decide to allow a member to speak but not vote or to fully participate and vote.

Until such a dispensation is granted a Parish or Town Councillor may not participate in the consideration of the matter before the Parish or Town Council (or any Committee or Sub-Committee).

The Standards Committee will consider the dispensation at the first meeting after receipt. The Committee normally meets about every other month (the actual meeting dates can be found on our web site www.southkesteven.gov.uk , so it is important to send in an application as soon as a potential problem is known. The Standards Committee will convene for an extraordinary meeting to consider a dispensation request if it is urgent and must be heard between scheduled committee meetings.

A written request from each member is required. This can be made via e-mail. Where the interest is similar and relates to the same matter e.g. members are on the village hall committee and the matter under consideration is a funding request to the Parish or Town Council, in order to avoid duplication a single letter could be submitted by the Clerk on their behalf, provided it is signed by each councillor who is making the request. If the request is made via e-mail, confirmation from each of the members involved must be signed, scanned and e-mailed as a PDF document together with the request. **Each member must be named and must have individually approached their Authority to request a dispensation, stating their reason in each case.**

When submitting a request for dispensation to the Standards Committee, you must include the following information:-

- 1.) The names of Councillor(s) seeking dispensation and their signatures.**
(If combined application the number must be not fewer than half of the total or you must show how the political balance of the council and outcome in relation to the matter would be affected by their non participation. If this is an individual application then the total number of councillors with prejudicial interests must (i) not be fewer than half of the total number of members of the council or committee or (ii) the political balance of the council and outcome in relation to the matter would be affected by the non participating councillors).
- 2.) A description of the matter for which dispensation is being sought.**
*(Please provide **full** details including amounts where the matter involves funding or finance).*
- 3.) Details of the nature of the prejudicial interests or interests.**
(Must include the individual reasons for each member seeking dispensation).
- 4.) The type of meeting for which the dispensation is being sought.**
(i.e Full Council, Committee or Sub Committee).

5.) Confirmation that 50% or more of members cannot vote, or that the political balance principles of the Authority cannot be met.

6.) The length of time / number of meetings for which a dispensation is required.

(Please note that it cannot be longer than 4 years nor exceed the term of office of the Councillors concerned. The dispensation should be no longer than is reasonably required).

7.) Any other factors which you think might help the Standards Committee to reach a decision on the matter.

When submitting a request for dispensation, please ensure that you provide as much detail as possible. **It is important that full and complete details are provided. The Standards Committee will not consider applications that lack information.**

Requests for dispensations should be submitted to:

The Monitoring Officer,
Council Offices
St. Peters' Hill
Grantham
Lincolnshire
NG31 6PZ

E-mail: - l.youles@southkesteven.gov.uk

SKDC Website review

We are currently reviewing and redesigning our website. As part of our plans for the new democracy service area, we intend to include a new area on the website for Parish and Town Councils. This would include general information about what Parish and Town Councils do, contact details for Parish / Town clerks, information about Annual Parish and Town Council Conferences, advertisements for vacancies on Parish and Town Councils and a link to the National Association for Local Councils (NALC) website.

As part of this re-design, we are proposing to include links to Parish and Town Council websites. If your Parish / Town Council has their own website, and would like us to include a link on our website, please contact me on the details above. Also, if you have any other ideas about useful information which you would like to see on our new website (with regard to Democratic Services), please do not hesitate to contact me.

Kind regards,

Miss Jenni Gibson
Democratic and Scrutiny Support Officer



Standards
for England

Local standards; national perspectives

Annual Review 2008-09

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Foreword from the Chair and Chief Executive

The government's vision of a local standards framework is now in place. Authorities are empowered to investigate allegations of misconduct among their members. In parallel, Standards for England is in position to provide oversight, and to help bring a national focus to the promotion of high standards of behaviour among local government members.

On 8 May 2008, local authorities became formally responsible for upholding the high standards that communities expect of their members.

Our role at Standards for England consequently changed. We are now a strategic regulator that guides authorities in their execution of the local standards framework. We continue to investigate complaints, but only in cases that are not suitable for local authorities to settle themselves.

As a strategic regulator, we take oversight of the local standards framework. Through our monitoring we assess how it works in practice and act, working with local authorities, to ensure it operates as intended. In 2008-09 we have been busy putting arrangements in place so that the framework functions effectively. One of our tasks for 2009-10 will be to use this experience to review and develop our regulatory approach and philosophy.

This year's annual review is different to those of previous years. It focuses, first and foremost, on our view of what is happening among our regulated community. This has been informed by our monitoring and our research.

You can read our opinions and see the facts and figures in the first section of this review: we have summarised some key conclusions overleaf.

The second section deals with what Standards for England has been doing to position itself as a strategic regulator during this first year. This has included a small but significant change we have made in our name; to emphasise our purpose, rather than our previous functional role.

We know there is more to be done in 2009-10. However, we are well on the way to having all the skills and tools we need to be an effective strategic regulator who makes a positive contribution to standards in public life in England. In addition, our change of role, along with the effects of our relocation from London to Manchester in 2007, has helped us to reduce our costs in the 2008-09 financial year.

As in previous years, information in this review complements information on our financial accountability and performance published in our Annual Report and Accounts, available from our website.



Glenys Stacey
Chief Executive



Dr Robert Chilton
Chair

Key conclusions

High standards

Standards of behaviour among members of English local authorities are generally high. There are relatively low numbers of complaints overall – one for approximately every 25 members on average each year. A small number of these are found to be sufficiently serious to require the most severe sanctions available under the local standards framework – disqualification and suspension. During 2008-09, 15 members were suspended or disqualified, and in a further ten cases members were suspended pending some action on their part, often writing an apology.

Framework established

Authorities have given good commitment to their duties to establish and operate a local standards framework. They have received enthusiastic support from independent chairs and members of standards committees. Standards committees are established and functioning across the country.

Local assessment

Numbers of complaints are broadly consistent with previous years when they were all received by the Standards Board. More than half come from members of the public, more than a third from members of the authority concerned. While half of complaints are dismissed at initial assessment, significantly more than under the previous regime are being investigated and more than two thirds of all investigations are revealing no breach of the Code. A balance has to be struck: an open and robust complaints process supports the public's confidence in local democracy while we need to ensure that public funds are used appropriately. This is a picture we want to understand more fully as the local framework matures during 2009-10.

Parish challenge

In a small but not insignificant number of authorities, taking on the role of overseeing standards for local parish and town councils has been onerous. The medium-term solution to such issues is for principal authorities to provide leadership in the good governance of the local councils in their area. We are working with representative groups active in this sector to find ways of facilitating this. At the same time we are advising a number of authorities on practical steps they can take to deal with difficult parish issues.

Proportionality

A key responsibility for Standards for England in 2009-10 will be to reach judgements over the proportionality of the local standards framework, with regard to issues such as effort expended, timeliness, cost, and sanctions. We will do this in the context of maintaining the public's confidence in ethical standards in local government. We will also be making recommendations to government regarding how the framework might be optimised to meet their objectives. Views of all of our stakeholders and of the public will be important in forming these judgements.

Public confidence

While there is considerable officer and member confidence in the Code of Conduct and in the local standards framework's ability to uncover and deal with poor standards, the framework has made little impact on the public. We would like to see local authorities use this framework to engage their communities and to raise public trust in local democracy.

01 The local standards framework: One year on

We begin our Annual Review with our overview of how things went during the first year of operation of the local standards framework. This will show how the new arrangements are working where it matters, at a local level.

To help us understand the impact of the local standards framework, after May 2008 monitoring officers of the 473¹ local authorities within our regulated community were required to send us periodic information. They have reported back on their standards committees and on complaints received about member conduct. This reporting took the form of quarterly updates and our first annual survey on standards committee activity, which took place in May 2009.

We use this information throughout this part of the review. You will also find spotlights on some of the local authorities whose notable practice was identified in the annual survey dotted throughout the following pages.

A full report of the responses received from the annual survey is available from our website, along with statistical information on our quarterly returns.

The local standards framework 2008-09 in numbers:

- 2,863 complaints were received. (2,693 of them had been assessed by the end of the financial year).
- 345 local authorities dealt with at least one complaint about member conduct.
- The average number of complaints received by these authorities was 8
- 3 local authorities received more than 50 complaints.
- 128 local authorities received no complaints.
- More than half of all complaints were made by the public, and over a third by council members.
- Standards committees decided to take no further action on over half of all complaints received and to refer almost a third for investigation.
- In almost 40% of cases where the standards committee decided to take no action, the person making the complaint asked for the decision to be reviewed. In 93% of reviews, the original decision was upheld.
- 12% of complaints were referred to the monitoring officer for other action².
- 6% of complaints were referred to Standards for England.
- Standards committees took an average of 20 working days to make initial assessment decisions about complaints.

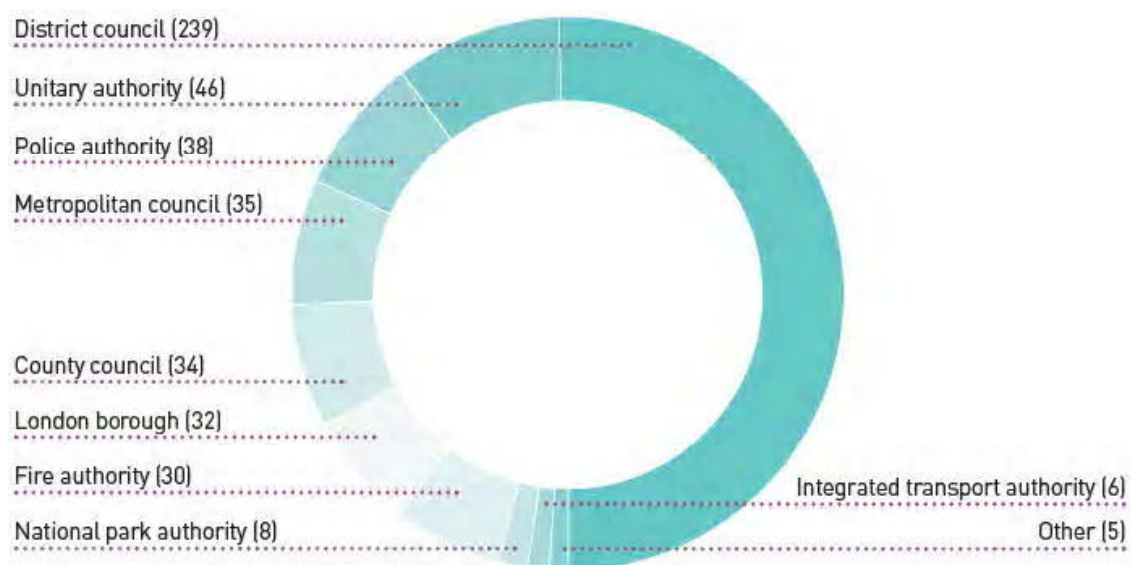
¹ Figure correct on 31 March 2009.

² When a standards committee decides to take steps other than carrying out an investigation when dealing with a complaint.

1.1 About standards committees

- A standards committee is a group of people appointed by an authority to help maintain and promote high ethical standards. Standards committees are made up of councillors, or members of the authority, and independent people (who are not councillors or employees of the council or authority).
- An independent person should always act as the chair of the committee.
- In an area that has town or parish councils, some members representing those councils will be on the standards committee.
- Almost all standards committees have agreed terms of reference, which describe the committee's purpose and structure.
- Just over 50% of standards committees have a forward work plan, detailing key activities and significant decisions to be undertaken in the future. Generally, the forward work plan is agreed by the standards committee itself. But in around one in ten standards committees the authority leader or group leaders are also involved.
- Our monitoring suggests that almost all authorities have established properly-constituted standards committees. Occasional anomalous quarterly returns usually indicate a short-term vacancy which is being addressed.
- A typical standards committee has ten members, including four independent members. In an authority without parishes it has nine members. In an authority with parishes it is larger with 11 members, including three parish representatives.
- Each authority sets up a standards committee, and the numbers of authorities in 2008-09 are shown below³.

Regulated authority types 2008-09



³ Figures correct on 31 March 2009.

1.2 Receiving, assessing and reviewing complaints

Making a complaint

In our annual survey, we asked how standards committees had publicised the new complaints system.

Under the new regulations, local authorities have to inform members of the public about how to make complaints. They chose to do this in a variety of ways, the most common of which (94%) was via the authority's website. We think that this is neither as easy to find or as well presented as it could be in many cases.

Other popular publicity methods were:

- the local press (43%)
- council newsletters to all households (34%)
- posters and leaflets displayed in public buildings (24%)
- complaints leaflets (17%)

We believe there remains lots of scope for further developing publicity in the majority of authorities.

Some authorities carried out advertising jointly with other local authorities in the area, and some gave information about how to make a complaint to the Citizens Advice Bureau.

Individual authorities have used a variety of other interesting and innovative strategies to publicise the new complaints process, as shown in these examples of notable practice.

Notable practice:

Publicising the process for making complaints

- **Bolton Metropolitan Borough Council** has a dedicated website for standards issues.
 - **Bristol City Council** places an advert detailing the complaints process on employee payslips.
 - **Dorset County Council's** monitoring officer was interviewed on local radio station, Ivel FM.
 - Some members of the **Epping Forest District Council** standards committee were interviewed by the local press on conduct issues.
 - **Harborough District Council** placed an article in a publication circulated to all households with their council tax bills.
 - The chair of **Plymouth City Council's** standards committee gave an interview to the local press.
 - **Taunton Deane Borough Council** distributed leaflets in post offices.
-

Receiving complaints

There were 2,863 complaints recorded by 345 different authorities between 8 May 2008, when the system went live, and the end of March 2009.

74 of the 128 authorities that did not receive any complaints are police, fire, integrated transport or national park authorities. This means that one in ten single purpose authorities received complaints.

Three authorities received more than 50 complaints. The largest number of complaints was 209, received by Sedgemoor District Council. This was mostly due to a single complainant and we are engaged with Sedgemoor to help them address this issue.

East Riding of Yorkshire Council received 71 complaints. This is due to their large amount of parishes and also reflects the fact that East Riding has been good at publicising the process for making complaints.

It is to be expected that authorities with large numbers of parishes will generate more complaints. Indeed, it is of concern to us when such districts generate few complaints. In these cases, we have been exploring the levels of public awareness in the areas concerned.

The third authority to receive more than 50 complaints was South Gloucestershire Council, with 57 complaints. This was chiefly due to four of its parish councils who were having a high level of member on member complaints.

More than half of all complaints were made by the public, and over a third by council members. The remainder came from officers, parish or town clerks, MPs, and other sources.

Source of complaint	Total	Percentage
Member of public	1,552	54
Member	1,033	36
Council officer	110	4
Parish/town clerk	78	3
Monitoring officer	8	Less than 1
MP	4	Less than 1
Other	78	3

Assessing and reviewing complaints

Standards committees decided to take no further action on over half of all complaints received and to refer almost a third for investigation.

The initial assessment decisions that were made are shown in the chart below⁴.

As the chart shows, 12% of complaints were referred to the monitoring officer for other action. Other action is when the standards committee decides to take steps other than carrying out an investigation, such as training. 6% of complaints were referred to Standards for England because the standards committee believed it was not best placed to deal with the matter locally.

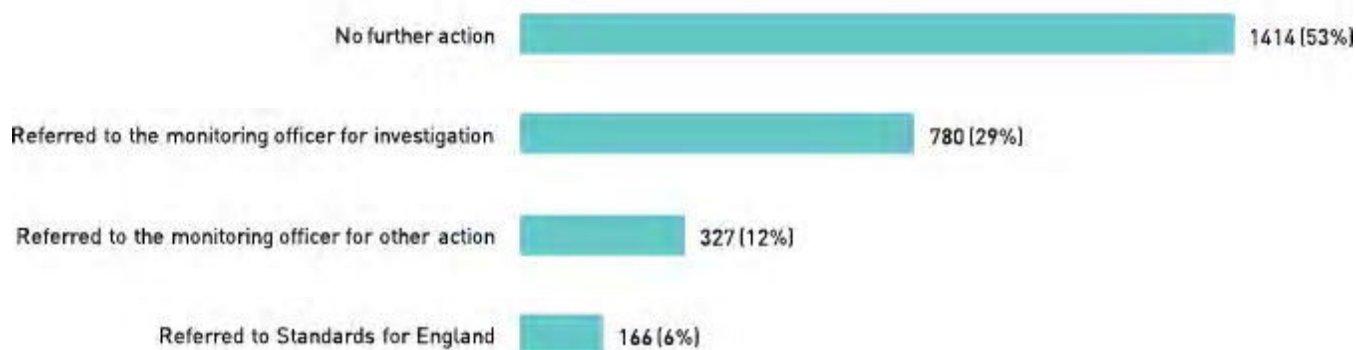
Standards committees took an average of 20 working days to make initial assessment decisions about what to do with complaints. But some standards committees took three months or longer over particular decisions.

At Standards for England we are keen to ensure assessment times are kept low for the benefit of both complainants and subject members, and we act promptly to raise poor performance with authorities when it occurs.

In almost 40% of cases where the standards committee decided to take no further action, the person making the complaint asked for the decision to be reviewed. 384 reviews had taken place by the end of the year and in all but 7% the original decision was upheld.

A finding of 'no case to answer' is, of course, of value. It exonerates members of complaints which might have otherwise attracted considerable publicity.

Initial assessment decisions



⁴ Please note that, as some complaints were not received by authorities until late in the year, not all of them had made initial assessment decisions by the time of the annual survey. 170 complaints had not been assessed as of 31 March 2009.

1.3 Local investigations

The following pages deal with local investigations – 233 investigations were completed at local level during the year. Details of the cases that are dealt with by Standards for England when they are not suitable for resolution locally are available in the second part of this review, on page 38.

The percentage of complaints being referred for investigation shown in the graph opposite (29%) appears to be higher than under the previous regime, when the Standards Board made all initial assessments. In 2007-08 for example, only 14% of complaints were referred for investigation. However the two figures are not directly comparable because of changes to the Code and the options available at assessment.

It is possible that as standards committees become more expert and more experienced at making assessments the percentage referred will fall. We recognise that the local standards framework needs to deal effectively with the issue of trivial, vexatious and political ‘tit-for-tat’ complaints and we will be looking closely at the number and nature of cases investigated as the framework matures.

In seven out of ten investigations, no breach of the Code was found. In the majority of the other investigations that did find a breach of the Code, the standards committee decided to impose a penalty on the member.

No breach	158
Breach with penalty	56

Standards for England would like to look at the balance between decisions to investigate and the proportion of investigations finding no breach, with a view to minimising unnecessary investigations.

Investigations took an average of 100 working days, but a small number took more than twice the average time. However around 5% were completed in less than 30 working days. While we appreciate the need to be thorough, we believe there is scope for concluding a larger proportion of investigations more swiftly, and we will look at this in more detail in 2009-10.

Local investigations: A summary

- 780 complaints were referred to the monitoring officer for investigation; this is 29% of those assessed.
- 233 of these had been completed by the end of the year.
- The investigation of complaints took an average 100 working days to complete, and
- 29% of investigations found that the Code of Conduct for members had been breached.

- The most common breaches of the Code involved failure to treat others with respect and behaving in a manner that could bring the authority into disrepute.

The parts of the Code of Conduct breached were:

Description	Number of breaches	Part of the Code
You must treat others with respect	37	Part 1 3(1)
You must not conduct yourself in a manner which could bring your authority into disrepute	28	Part 1 5
Personal interest – failure to declare	16	Part 2 9(1)
You must not disclose confidential information	11	Part 1 4(a)
Prejudicial interest – failure to withdraw	11	Part 2 12(1)(a)
You must not bully any person	7	Part 1 3(2)(b)
You must not intimidate or threaten to intimidate any person who is likely to be involved in a complaint	5	Part 1 3(2)(c)
You must only use the authority's resources in accordance with its requirements and must not use the authority's resources for political purposes	5	Part 1 6(b)
You must not use your position to improperly confer an advantage or disadvantage for yourself or any other person	3	Part 1 6(a)
You must not compromise or attempt to compromise the impartiality of anyone who works for the authority	2	Part 1 3(2)(d)
You must not do anything which could cause your authority to breach equality laws	1	Part 1 3(2)(a)
Prejudicial interest – seeking to improperly influence	1	Part 2 12(1)(c)
Prejudicial interest – attended meeting for purposes not available to the public	1	Part 2 12(2)
Failure to register interests	1	Part 3 13(1)

The sanctions imposed were⁵:

Description	Number of times used
Training	22
Censure	18
Apology	16
Suspend	11
Suspend pending action	10
Refer to Adjudication Panel for England	6
Conciliation	2
Partly suspend pending action	1

Informing members of the results of investigations

Our annual survey looked at the way in which standards committees have informed members about the results of investigations. A range of methods were used, the most common being:

- report to the standards committee
- standards committee minutes and meeting agendas
- report to the full council
- letter to the member concerned (with or without a copy of the report)
- authority's website
- press announcements.

Other methods of communication used included email, intranets and keeping hard copies of the documents available for inspection. Ten authorities (2%) said they did not communicate the information to members at all.

It is important that all authorities consider how best to communicate the findings in individual cases. This is to meet the goals of learning for members and transparency, while at the same time having regard for natural justice.

Individual authorities have adopted some interesting approaches to communicating results to members. The box below gives some examples.

We gathered information about whether standards committees informed members about decisions not to investigate, either because the case was referred for other action or because the assessment sub-committee decided to take no further action.

⁵ Note: More than one sanction can be imposed when a breach of the Code is determined.

Authorities were less likely to inform members about a decision when an investigation did not result from it. Some authorities gave reasons why they did not publicise this information to members.

For example, a London borough told us that it does not communicate 'no further action' decisions, and would be unlikely to communicate 'other action' decisions as no guilt has been determined but may be inferred.

Where authorities did share the information, it was not always given to all members. Some authorities communicated the information to full council, some to group leaders, some to parish councils. The information that was given out also varied. Most commonly it included minutes and agendas of standards committee meetings, reports on a regular basis and decision notices.

Notable practice:

Communicating information to members

South Cambridgeshire District Council ensures parish councils are kept informed via the Standards Committee Parish Council Newsletter.

At **South Holland District Council**, complaint outcomes are used in training sessions.

Officers and members at **South Kesteven District Council** are provided with weekly information detailing decisions and findings that have been made.

Taunton Deane Borough Council and **Three Rivers District Council** both send copies of press releases to all members.

Informing the public of the results of investigations

We were disappointed that authorities weren't doing more to inform the public about standards hearings. This is important both to raise public trust that complaints are properly dealt with and to guard the framework against allegations that it lacks transparency.

The most common methods used by authorities were press notices (32%) and the authority's website (23%). But often the information on websites is hidden among records of standards committee meetings rather than being featured clearly as the outcome of a complaints process.

Smaller numbers of authorities mentioned that they made documents available for public inspection, held hearings in public, published the findings in the council newsletter and/or had special arrangements for town and parish councils.

The most common type of information to be provided to the public was papers associated with standards committee meetings (minutes, agendas and reports), followed by annual/regular update reports. Eleven authorities told us that they do not communicate the findings of hearings to the public at all.

We will continue to emphasise the importance of ensuring the work of the standards committee gets adequate publicity, and we encourage the involvement of the authority's own communications advisers in planning and preparing for that.

Only a handful of authorities informed the public when cases were not investigated. A small number of authorities decided whether to publicise the decision on a case-by-case basis. Where information was made available to the public, the most common format was through standards committee papers, which were often made available on the authority's website or for inspection at council offices.

Notable practice:

Communicating information to the public

At **Taunton Deane Borough Council** hearings are held in public and are webcast.

South Cambridgeshire District Council's panel chairmen have received media training and advice on how to handle media enquiries.

South Tyneside Metropolitan District Council has a media protocol that sets out the publicity issued at the various stages of dealing with complaints.

At **Stratford on Avon District Council** the outcome of a hearing was sent to the clerk of the parish council, who arranged for the councillor's apology to be published in the parish council's newsletter.

1.4 Promotion of standards of conduct in public life

An important part of a local standards committee's work is underlining the benefits of ethical standards in local government to create a sense of 'ethical well-being' in the authority. Here we share information about some of the activities that standards committees are engaged in to promote good standards.

We believe there needs to be a clear culture of high standards in every authority. Standards committees and monitoring officers are at the heart of the standards framework and have a duty to promote, educate and support members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

Over the past year, standards committees across the country have undertaken a variety of activities to raise awareness of their role and of ethical standards issues. They have promoted standards both within local government and to the wider public. The activities undertaken fall broadly into six categories, outlined over the pages that follow:

- a) Training**
- b) Meetings of the council**
- c) Publications**
- d) Informing and engaging the public**

e) Promoting standards in partnerships

f) Other ways of promoting standards

Standards for England is particularly keen to see and share good practice in this area. In 2008-09 we sponsored, for the first time, a Local Government Chronicle Award for councils which can demonstrate high levels of commitment to standards and ethics (see page 34).

a) Training

A specific function of a standards committee is to train members on the Code of Conduct, or arrange for such training. A standards committee can also arrange training on the local standards framework. Over half of all standards committees in England said they have been involved in the arrangement or delivery of training. This often included the induction of new members and officers.

Some standards committees put together programmes of regular training, while others preferred to arrange training in response to specific requirements, such as information sessions explaining changes to the Code.

Training programmes on the local standards framework focused on the following areas:

- the role and function of the standards committee
- how to conduct an investigation
- determinations and sanctions – the decisions following investigations as to whether a member has breached the Code of Conduct and which sanctions it is appropriate to apply
- other action – how to identify when it may be appropriate for a standards committee to direct the monitoring officer to take steps to resolve a complaint without carrying out an investigation.

Examples of standards committee involvement in more specialised training include:

- training on member roles, such as what the requirements of being a parish councillor or independent member are
- chairing skills
- understanding and preparing for interaction with the media
- equality and diversity
- utilising Standards for England's guidance materials and feeding back from our Annual Assembly.

Standards committees have employed a mixture of methods to deliver training, and we are encouraged by the energy that has been put into helping to educate members and officers.

We fully support training that seeks to embed and establish the ethical framework as part of corporate life. But we also understand that local authorities have limited resources to invest in training to promote and raise standards.

Examples of training methods used by local authorities include:

- in-house training delivered by the standards committee or other people in the local authority
- induction of new members
- commissioning external training partners
- attending conferences
- group workshops using case study style materials
- using Standards for England training materials and attending the Annual Assembly
- approaching Standards for England to discuss inviting representatives to speak at meetings or contribute to seminars
- general seminar and Q&A sessions with guest presenters
- joint training events with other local authorities
- online training.

Notable practice:

Identifying and assessing member training needs

At **Leicester City Council** all members have undertaken a skills audit designed to test knowledge and understanding of constitutional and ethical issues. Also, bite-sized learning is available on a number of topics in this area – training on the Code of Conduct is mandatory.

The standards committee of the **London Borough of Islington** agrees the member training and development programme each year. It is based on feedback from the previous year's programme, discussions with the party whips, and from responses to an annual members' survey. The programme is split into specific skills training, knowledge based events, 1:1 support and group support.

b) Meetings of the council

Standards committees can promote their role by ensuring there is an ethical standards presence or voice at council meetings. This is accomplished in a variety of ways.

Firstly, some standards committee members take an observer role at other council meetings. This allows them to experience council business and member conduct first-hand, before reporting back to the standards committee.

Attending meetings in this way helps standards committees to assess how well the standards framework is working. If the observer notices unethical member behaviour, it can be a way of identifying issues that could be 'nipped in the bud' before they escalate into a problem.

Secondly, some authorities place a standing item about standards on the agenda of other meetings. This ensures that standards issues are regularly discussed and remain at the forefront of council business. We are in favour of the practice of the

chair of the standards committee or the monitoring officer bringing regular updates on Code and standards issues to the full council meeting.

Another way in which standards committees can promote their role is through joint meetings with other committees or groups. This includes the overview and scrutiny committee, and audit committee. Many standards committees also hold regular meetings with their parish groups.

c) Publications

Almost a fifth of standards committees contribute articles to council newsletters. Many produce regular briefing documents that highlight key standards issues and outline recent activities.

Use of an intranet was cited heavily as a way to get the work of the standards committee onto the map within the authority. Several standards committees have their own sections on the council website and intranet, where they publish news items, training materials, minutes and reports.

Standards committee annual reports

We're pleased to see that 60% of standards committees produce an annual report on their own work. One in ten authorities uses this as a way of promoting standards issues both internally and externally.

Most standards committees publish their annual report on the council website. It's more visible as an independent publication but can be hard to find if part of a broader set of papers, such as agendas and minutes from meetings.

One in every ten standards committees issues a press release on the standards committee's annual report. A similar percentage ensures that the report gets sent to parish and town councils, often via parish clerks or representatives on the standards committee.

Some standards committees make the report available through copies in local libraries, having copies on hand during council meetings that are open to the public, or by sending the report to neighbouring authorities.

The creativity of standards committees

One of the more innovative methods of raising awareness is to conduct poster campaigns. So far, a small number of standards committees have been involved in producing posters and leaflets to promote their role or to bring member and officer attention to ethical issues. An example of this is shown to the right.

This is an area where Standards for England is keen to see more good practice develop.

d) Informing and engaging the public

Getting the wider standards message across to the public is a challenge. The council website is by far the most popular vehicle for promoting confidence in local democracy to the public.

Although almost half of standards committees say that they keep their council websites up-to-date with all the latest ethical standards news, there is clearly scope for improved communication and higher profile.

Some standards committees have opted to survey public perceptions to gain awareness of current understanding before starting to build up their profile and, in turn, public confidence. A better informed, more strategic approach like this may begin to show results throughout the next year.

e) Promoting standards in partnerships

Local authorities and standards committees have been taking an interest in the governance arrangements of partnerships. Almost half of the local authorities in England have taken the time to consider how they monitor and ensure high standards of behaviour when working in partnership with other organisations.

Over a third of the authorities that took an interest in this have employed a protocol, code of conduct, or memorandum of understanding between themselves and the partner organisation. And many standards committees played an important part in the drawing up of this kind of partnership arrangement, by offering advice, guidance, or training related to relevant ethical matters.

Some standards committees were also involved in risk assessments, reviews, or audits of partnership arrangements, paying close attention to ethical standards issues. Standards for England is keen to encourage progressive standards committees in sharing good practice with others. We have ourselves been looking at the standards risks inherent in partnerships, and this is discussed on page 36.

Notable practice:

Standards in partnerships

Suffolk County Council organised a seminar on ethical governance, which included a focus on 'What is good ethical behaviour in partnership working?'.

Swindon Borough Council invited partners to a 'standards in partnerships master class'.

f) Other ways of promoting standards

Standards committees are also involved in a number of more imaginative practices.

Some standards committees are engaged in specific ethical governance activities, such as self assessment and standards surveys. Some have played a part in arrangements for staging 'ethical awareness weeks', where standards issues are brought to the fore.

One way that standards committees can help nurture strong ethical standards is to embed them in their authority's human resources framework. Many standards committees contribute to inductions and training, and a few have ensured ethical standards are considered in relation to recruitment or performance appraisal procedures.

Notable practice:

Other ways of promoting standards

Buckinghamshire County Council holds annual officer quizzes that include questions on standards.

1.5 Helping members to follow the Code of Conduct

Over the past year, standards committees and their associated officers have carried out a range of activities to help members to follow the Code of Conduct.

In addition to training, discussed on page 15, other common activities included:

- briefings
- advice from officers
- providing members with Standards for England publications (such as our *Bulletin*, guidance and DVDs)
- giving regular reminders to declare interests
- having a legal adviser available at meetings
- providing members with their own copy of the Code
- providing information via email or the council intranet.

Other interesting initiatives included: providing a flow chart that explains when to declare interests, supplying members with information about decisions from the Adjudication Panel for England and enlisting officers to proactively check the register of interests before meetings.

Notable practice:

Helping members to follow the Code of Conduct

The City of Bradford Metropolitan District Council circulates guidance notes to groups and parish councils. Contact details for the monitoring officer have been provided to the parish councils through the parish council liaison committee.

Leicester City Council recently produced a guide to declaring interests at ward community meetings that is being used by members.

Redcar and Cleveland Borough Council periodically print messages from the standards committee on the reverse side of members' Declaration of Interest forms.

1.6 Reviews of the authority's constitution (or standing orders)

Our annual survey asked standards committees to what extent they were involved in reviewing their authority's constitution (or standing orders). We think this is a good task for standards committees to engage in. Some authorities gave good descriptions of what they felt that the role of the committee was, as highlighted by the examples below.

Some committees are highly involved, or even central to the process. One in ten standards committees commented on all proposed amendments to the constitution, even if they were not directly related to standards. Almost a third of committees commented on proposed amendments, if they were related to the committee's terms of reference. Seven authorities told us that reviewing the constitution was a formal part of the committee's work plan.

Some authorities had reasons for not involving the standards committee in this work. In some, there was a specific committee set up to review the constitution. In others, it was the monitoring officer's responsibility.

The list below indicates areas of the constitution which have interested standards committees, over and above their statutory interests:

- the committee's own composition, procedures and terms of reference
- the authority's codes and protocols
- member-officer relations
- licensing and planning codes
- confidential reporting/whistle blowing
- officers' code of conduct
- corporate governance
- use of resources (including IT equipment).

In a few authorities the standards committee has also involved itself in gifts and hospitality, the role of the monitoring officer, financial regulations, anti-fraud and anti-corruption policies, members' allowances, members' websites, executive arrangements and audit arrangements.

Notable practice:

The role of the standards committee in reviewing the constitution

The standards committee of **Rotherham Metropolitan Borough Council** considers whether proposed amendments to the constitution will promote high standards in public life.

The standards committee of **Mid Suffolk District Council** provided challenge from a probity viewpoint.

At **Havant Borough Council** no changes to the constitution can be made without prior consideration by the standards committee with advice from the monitoring officer.

The standards committee at **Calderdale Metropolitan Borough Council** has a standing sub-committee named the Review of Constitution Working Party which deals with issues as they arise.

1.7 Standards committees and leadership

Standards for England believes that a key factor in creating a strong ethical framework in authorities is clear ethical leadership from leaders and chief executives, setting the tone for the rest of the organisation.

In our annual survey, we were keen to ask authorities how closely standards committees and monitoring officers worked with political and officer leadership in their authorities.

On average, standards committees (or standards committee chairs) met with the chief executive of their authority to discuss ethical issues at least once during the year.

We believe a regular dialogue on standards issues between the standards committee chair and the leader, senior politicians and senior managers is an indicator of healthy standards arrangements.

The monitoring officer

In six out of ten authorities, the monitoring officer is part of the corporate management team. We feel the status of the monitoring officer, and his or her capacity and capability to advise the standards committee as it carries out its functions, are important for the success of the local standards framework.

We will continue to work with local government trade organisations to highlight the need for monitoring officers to have the necessary knowledge, skills and experience to carry out this role.

Notable practice:

Authorities whose monitoring officer and standards committee work closely with leaders

The chief executive officer, chair of the standards committee, and monitoring officer at **Guildford Borough Council** have a pre-meeting to discuss the agenda items before each standards committee meeting.

A similar activity takes place at **Shropshire and Wrekin Fire Authority**, where the chair of the standards committee and the chief fire officer, or his deputy, meet before each standards committee meeting.

At the **London Borough of Bexley**, the chief executive attends a standards committee meeting once a year to discuss ethical issues. They also welcome invitations to meet with the chair of the standards committee if or when specific ethical issues are identified.

Case Studies

Redcar and Cleveland Borough Council

Redcar and Cleveland Borough Council tries to ensure that members have all the help they need when it comes to the Code of Conduct. The declaration of interest form that is provided at every meeting has a set of guidelines on the back to make it easier for members to determine the nature of their interest, for example, and members also take the Improvement and Development Agency's 'Modern Councillor' course.

The standards committee's work plan is designed to be flexible, and is constantly reviewed and updated.

The work plan can also be informed by meetings between the independent standards committee chairs from Redcar and Cleveland and its neighbouring authorities, which are invaluable for sharing ideas and good practice.

The chief executive also meets with the monitoring officer regularly and discusses issues of standards and probity. This is a good indicator of the importance placed on standards and ethics within the authority – the commitment to standards and good governance is there at the top, and the council has an ethical governance team.

As well as being strongly committed to standards and ethics, Redcar and Cleveland also aims to be open and transparent about such issues. Standards committee minutes are posted on the council's website and agendas are available as hard copies.

Leeds City Council

Shortlisted in the Standards and Ethics category at the 2009 LGC Awards, Leeds City Council has a strong track record of making standards a central part of its culture.

Standards committee chair Mike Wilkinson explained how the committee has sought to get involved in various activities to promote ethical governance. These activities form a communications plan which covers awareness-raising work aimed at members, including parish councillors, and the general public. An annual standards committee report is made available to the local press and to the public via the council's website. This report not only outlines the past year's ethical successes but also sets out the standards committee's planned work for the months to come.

In terms of advertising the complaints process itself, Leeds City Council has placed notices in local press and council buildings. It also contacted the city's many Citizens Advice Bureaux with notices for them to display and letters explaining the new system, should they be asked to help a member of the public with a complaint about an elected member.

Training and development for members has been made easier with the provision of an e-learning course, *Cracking the Code*. It covers general obligations and members' interests. The benefits of e-learning materials are that they can be used by busy members at times that suit them. This is particularly useful in reaching parish councillors. By making sure that training on key aspects of the Code is readily and conveniently available to parish members, Leeds City Council has been able to help prevent potential problems before they occur.

Mansfield District Council

Mansfield District Council is an example of an authority with a commitment to standards from the highest level.

Monitoring officer Anita Bradley meets regularly with the executive mayor to discuss relevant issues and decide whether they fit the standards committee's remit. Discussions may also take place with the cabinet, and the managing director has a role in contributing to the forward work plan before it is run past the committee.

As well as putting standards at the heart of its own governance, Mansfield also tries to monitor and ensure high standards when it works with external partners. The council has a Partnership Protocol Toolkit which it uses to evaluate all the council's significant partnerships each year. This includes assessing risks against particular criteria – including governance risks and levels of conduct.

This means that Mansfield District Council is also well-placed to talk to partnership organisations about ethical governance. The council's monitoring officer has visited a local Tenants and Residents Forum, for example, and talked to the Forum's members about standards to encourage them to take an ethical approach, using the Ten Principles of Public Life as a starting point.

The authority's member-officer protocol is designed to run on 'mutual respect', and much is done to boost awareness of it. It is part of the council's constitution and is available on its website. It is also given to all new employees when they are appointed and to members on their election. To promote the protocol further, articles have also appeared in the council's internal newsletter, *Insider*. Training sessions for members also help to clarify things further.

When it comes to actual standards complaints and their outcomes, the authority has tried to balance openness and transparency with a positive and forward-looking approach. The monitoring officer produces briefing notes based on the issues raised in the complaint. This enables her to draw learning points from the process which can be looked at as part of the standards committee's agenda, and has also helped to make members more aware of how the Code of Conduct is applied and when a complaint is or is not appropriate.

Bromsgrove District Council

Bromsgrove District Council is proud of the improvements it has made in its approach to standards and ethics.

To coincide with the start of the new local assessment system, Bromsgrove published articles in its own publication, 'Together Bromsgrove', delivered to every household in the area. They also issued press releases to the local media.

The standards committee's annual report is circulated to the district's libraries and parish councils as well as the council's Customer Services Centre and Planning reception. Automatic updates on related matters are emailed to key internal and external contacts, including the local press, and the council's website is also used to promote the standards committee's work.

Much of Bromsgrove's publicity around standards has highlighted the positive role that members have in working to improve communities, while at the same time reminding the public what to do should their councillor appear to be falling short of the high ethical standards expected of them.

Importantly, Bromsgrove District Council is also making sure that its successes in raising awareness are measurable. An annual performance indicator has been set based around responses in the council's annual survey, with a benchmark set for the percentage of respondents who know how to raise issues under the local standards framework.

With the emphasis on development, training has included small workshops on the Code of Conduct and informal one-to-one meetings with the monitoring officer and deputy monitoring officer, which have not only proved useful in reminding members of their obligations under the Code, but also in building good working relationships. Development needs for parish councils – Bromsgrove has 21 – were identified through face-to-face meetings. It is a pre-emptive approach which aims to prevent potential pitfalls rather than waiting for complaints to come in.

A demonstrable commitment to promoting and maintaining standards at Bromsgrove was made when a full-time officer was appointed to deal specifically with standards and ethics related work within the council.

Stockton-on-Tees Borough Council

At Stockton-on-Tees Borough Council, the standards committee's forward work plan is informed by comments from people across the council, both officers and members, and also meetings between the chief executive and monitoring officer David Bond, who initiates the plan's proposed content. David also discusses the plan with the senior legal assistant, who administers the authority's local assessment arrangements, the cabinet member for standards ethics, and with the council's political group leaders.

It is an all-inclusive approach that enables the monitoring officer and the standards committee to get different perspectives on ethical issues. The plan is reviewed and revised on a monthly basis. And in keeping with this approach, the standards committee also has a role in reviewing the council's constitution.

Partnership working is an area to which Stockton-on-Tees has devoted considerable attention and made excellent progress. The council has developed a partnership toolkit to help all those involved set up proper structures to manage their partnerships. The governance arrangements for them are based on the six principles of good governance and the standards expected in public life. The internal audit service reviews these arrangements based on those principles and standards.

Moreover, any partnership that the council is part of has a nominated link officer, whose role includes alerting the council to any potential issues, such as conduct and decision-making. The link officer also undertakes periodic self-assessment 'health checks', a sample of which is audited each year to ensure their reliability and which can also pick up any concerns quickly and allow them to be swiftly resolved. Ethically-sound partnerships are considered essential and the council's commitment in this area continues to grow.

Stockton-on-Tees is proud of its ethical standards and has taken lots of steps to promote the standards framework to its many different audiences, raising its profile as much as possible. Standards committee members have visited town and parish councils as well as

full council, planning, licensing and scrutiny meetings in order to meet councillors at all levels. When it comes to the general public, the council has a dedicated set of standards committee pages on its website, highlights the standards committee's work through the *Stockton News*, the council's external newsletter, and displays posters and information in libraries, council buildings and community centres.

Suffolk Coastal District Council

The standards committee at Suffolk Coastal District Council plays an important role not just in overseeing issues involving the members' Code of Conduct but also in wider standards matters. For instance, the standards committee periodically reviews a number of parts of the council's constitution, including the Officer Code of Conduct, the whistleblowing policy and the Codes of Good Guidance in Planning and Rights of Way.

Monitoring officer Hilary Slater finds their input very useful: as many of the standards committee members are not councillors and have a wide range of experience between them, their external viewpoints can be invaluable when it comes to practical, common sense suggestions. It also helps the independent standards committee members to get a feel for the wider council and how it works.

The authority works hard to raise the profile of standards and ethics internally, among both officers and members. Suffolk Coastal's intranet has its own standards page, and the monitoring officer makes sure officers and members are up to speed with their ethical obligations by periodically issuing reminders. These are sometimes prompted by questions members have asked, or are based on feedback from officers.

When it comes to the general public, Suffolk Coastal is keen to ensure that they are well-informed about member conduct. As well as an article in *Coastline*, the council's newsletter, to coincide with the launch of the local assessment system, Suffolk Coastal District Council's monitoring officer also worked with her counterparts across the county to produce a leaflet on how to complain. This was widely circulated to the county's libraries and council reception areas.

Working with neighbouring authorities has proved useful in other ways, too. Suffolk's monitoring officers meet regularly to share information and good practice, and discuss recent developments in case law or new Standards for England guidance. This contributes to regular updates to the standards committee at their meetings, and in turn, the standards committee chair presents the minutes to the full council. This means that the standards committee and its chair have a profile among members, and that councillors also get to hear about the standards committee's work and recent case decisions from elsewhere.

02 Standards for England: Our work as a strategic regulator

2.1 Setting the standard

This section of the Annual Review looks back at the work of Standards for England in the last year. 2008-09 was a key time for the organisation as we clarified the most effective ways to deliver our new role.

Here we review our work in the context of our main responsibilities as a strategic regulator. Our activity can be broadly divided into three principal tasks: pre-emption, prevention and protection.

Pre-emption: maintaining the standards framework, encouraging members to comply with the Code of Conduct and maintain high standards, and supporting local standards committees.

Prevention: assessing and evaluating risks to standards in individual authorities and in specific areas of work, focusing on authorities and sectors where we think standards are most at risk of breaking down.

Protection: handling cases that are not suitable for local resolution, stepping in to protect and restore standards when they break down in an authority, and ensuring inappropriate behaviour is ended.

Key achievements in 2008-09

The local standards framework is successfully bedded in

While local authorities have made all the changes necessary to deliver the local standards framework, we believe Standards for England has played a significant role in guiding and assisting authorities to ensure its success. A total of 74% of stakeholders agree and only 9% disagree that improving members' standards of behaviour is now a local issue⁶.

Consultation on the Code of Conduct

During the year we made a number of suggestions for changes to the Code of Conduct, which we think will make it easier to interpret and apply when the revised Code is issued later in 2009.

Issuing guidance

We produced a comprehensive range of guidance materials around the launch of the new local framework. We also published further guidance following the introduction of the Standards Committee (Further Provisions) (England) Regulations 2009.

⁶ BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

Meeting the needs of the regulated community

We do this through our advice and guidance and with quick and substantive responses to enquiries⁷. There has been an increase of 15% in satisfaction with our work since 2004⁸.

Gathering information from local authorities

We have built and implemented successful monitoring arrangements so that 99% of authorities are successfully completing quarterly returns.

We delivered a fully-booked Annual Assembly promoting standards issues and procedures

The Autumn 2008 event was the most popular one we have ever run and achieved a 96% attendee satisfaction rating.

Perceptions of standards of behaviour has improved

The percentage of our stakeholders who think standards of behaviour among members has improved has increased by 20% since 2004⁹.

2.2 The standards environment

In 2008-09 we continued to develop and apply our independent expertise on standards both at a local level and in public life more generally, where standards and regulation are areas of much public interest.

We have been gathering information from local authorities and conducting research on how they feel the framework is working and their satisfaction with the new arrangements.

We have also begun to learn about its impact both from our research, including a five year study, and from our engagements with authorities that are experiencing problems.

And our unique role has been appreciated at an international level too, where we have contributed to international research on ethics.

The developing local framework

In 2007-08, we responded to Communities and Local Government (CLG)'s consultation on new orders and regulations arising from the Local Government and Public Involvement in Health Act 2007, which amended the local standards framework.

⁷ Excluding case related enquiries. Please see our Annual Report and Accounts, available on our website, for our key performance indicators.

⁸ BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

⁹ BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

We worked closely with CLG to develop the regulations, providing feedback and looking at early drafts as they were developed. This led to regulations being introduced on

8 May 2008 on the local assessment of complaints, the size, composition and proceedings of standards committees, and the sanctions available to standards committees.

We have put a process in place which allows authorities to provide us with information on the framework – our monitoring returns. This keeps us up-to-date with the function of the framework. Authorities have been responsive in providing us with information on their experience every quarter, and the average percentage of returns completed for each quarter of the year was 99%. You can find out more about our monitoring returns on page 37.

Our annual survey of local authorities into their satisfaction with us found the majority (72%) supported the devolved local standards framework¹⁰.

You can find out more about the results of the annual survey and monitoring returns in the first section of this review.

Our stakeholder research also showed that:

- 94% of members and officers support the need for members to sign up to the Code of Conduct – up by 10% since 2004.
- 83% consider maintaining high standards of behaviour to be one of the most important issues facing local government.
- 75% of stakeholders have confidence in the way their local standards committee deals with complaints about members.
- 89% are confident that their authority is doing a good job of upholding standards.
- 47% of stakeholders think members' standard of behaviour has improved in recent times.

During the year we made a number of suggestions for changes to the Code of Conduct, which we think will make it easier to interpret and apply when the revised Code is issued later in 2009. We anticipate that the main change will be to allow the Code to cover members in their non-official capacity, where that conduct would be a criminal offence. We have also been informed that further consultation on the introduction of a code for officers is likely to take place in 2010.

Impact on the public

We have been successful in improving member behaviour (according to local government) but this has not translated into improvements in public trust in members nor public belief in improvements in their behaviour. Similarly, while local government is confident that local authorities will uncover, and deal appropriately, with poor behaviour, the public is not.

¹⁰ BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

In 2009 and post the MPs' expenses scandal, public levels of trust in local councillors remains largely unchanged compared to 2007¹¹. However, while members, monitoring officers and parish clerks tell us that member behaviour has improved over recent times¹², most of the general public say it has stayed the same¹³.

Overall, the public are less confident than officers and members in their local authorities' ability to uncover a breach in standards. They are also less confident that, having uncovered a breach, their local authority would deal with it appropriately¹⁴. The public's confidence in local authorities' ability to uncover and deal appropriately with breaches by local councillors has dropped since 2007¹⁵.

Public awareness of the local standards framework is low. For example, less than one in five members of the public know that their local authority has a standards committee (19%). And of those, 79% say they know 'not very much' or 'nothing at all' about what it does¹⁶.

We believe that local authorities and their standards committees need to engage with their communities to raise public awareness of the existence of the local standards framework and the protection it affords. This could contribute to bolstering public confidence in local authorities and member behaviour, and public trust in local politicians.

Challenges and concerns

Throughout the year we have been aware, through our close contact with monitoring officers and standards committee members, that there are particular challenges and concerns associated with running the local standards framework.

As a strategic regulator we will continue to monitor, evaluate and respond to these.

Some challenges, for example the need to use other action appropriately, have led us to issue further advice and guidance. Concerns, for example that the workload and costs inherent in running the standards framework might be excessive, need us to reach a measured and evidenced view and advise government accordingly.

Political commentators have made much comment during the year of the impact on the local standards framework of political 'tit-for-tat' and vexatious complaints. We will be exploring this issue in the year ahead, particularly whether the local assessment process can make it easier for local standards committees to identify such complaints and dismiss them, if groundless, at the initial assessment stage.

We will be gathering evidence to conclude whether such complaints are in fact a systematic burden. This is something we will consider further during 2009-10 and address in our review of the operation of the framework.

¹¹ Public Perceptions of Ethics, 2009, research by GfK NOP on behalf of Standards for England.

¹² BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

¹³ Public Perceptions of Ethics, 2009, research by GfK NOP on behalf of Standards for England.

¹⁴ BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

¹⁵ Public Perceptions of Ethics, 2009, research by GfK NOP on behalf of Standards for England.

¹⁶ Public Perceptions of Ethics, 2009, research by GfK NOP on behalf of Standards for England.

Although there was widespread support for the move to local assessment, it was clear there are inherent risks. One was that there would be a critical lack of consistency in decision-making across the country, another that standards committees might be politically stacked in one way or another, a third that in places local case handling might be of poor quality.

Our initial approach has, quite properly, been to focus on guidance, advice and support and to define and promote good practice. However, we will in future need to be able to provide assurance that the local system is operating as planned.

It would be fair to say that we have had no indication of widespread problems, nor has the Adjudication Panel been busy with appealed cases it has felt necessary to overturn. However it has been clear during the first year that we need to be receptive to complaints about standards committees, feedback from local government and political stakeholders, and media coverage of standards issues. A number of these issues have caused us to raise matters with local authorities.

Information from these sources will be systematised to contribute to our assessments of risk. During 2009-10 we will develop our approach to giving reasonable assurance as to the performance of the local framework.

Members online

We have noted the increased propensity for politicians to debate with each other and with the public online, through blogs and other interactive forums, and we are shaping our advice on how to address the standards issues in such cases in 2009-10.

The impact of the local standards framework

Now that the local standards framework is set up, we are keen to assess how it will make a difference to local government.

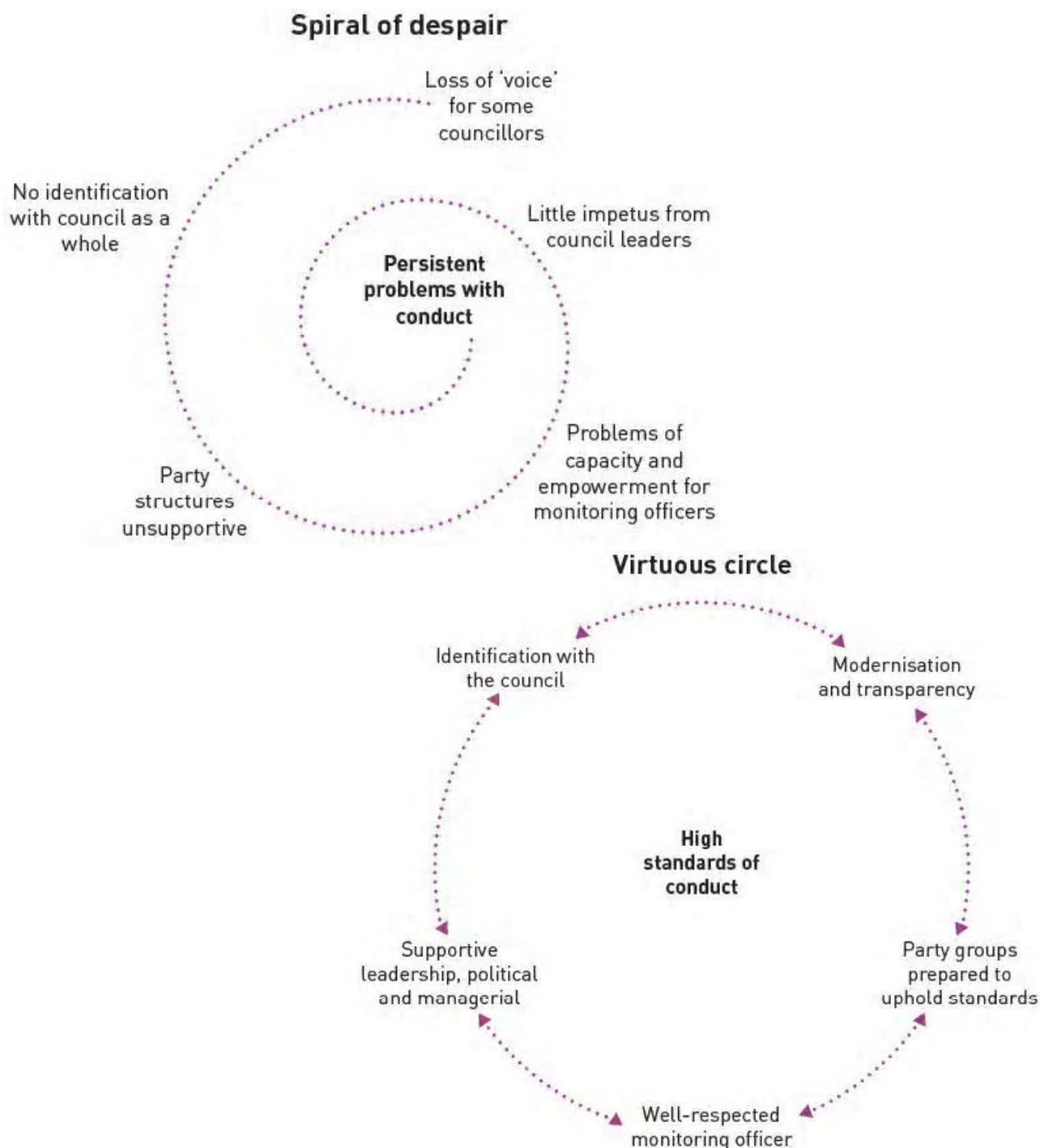
We have commissioned Cardiff University to carry out a five-year project examining the impact of the local standards framework within nine local authorities. At the end of the project we will find out whether:

- the framework has caused any changes in local government processes, systems, culture and values
- the ethical framework has had any effect on the conduct of councillors
- the ethical framework has any effect on public attitudes to local government – either through changes in council process or in councillor conduct.

Year one of the study is now complete. The findings reveal that the local standards framework has become established and accepted in most councils. The majority of respondents say they are positive about the move towards local regulation, and standards committees are keen to take a more active role in promoting good conduct locally. In addition, the research suggests councillor conduct continues to improve and that many identified the local standards framework as helping achieve this.

The research identifies two particular types of authority. In those councils that generally displayed good conduct, with few complaints under the Code, a number of mutually reinforcing ingredients were in place, which were labelled '**virtuous circles**'.

An absence of those factors, resulting in poor conduct, were labelled '**spirals of despair**'.



In addition, three themes stood out from the first year:

The first is **learning** – even in councils caught in spirals of despair, people have not given up, but are looking at ways of reversing the situation. Often this involves local standards committees being pro-active, working with council leaders, brokering conversations with political parties, and dealing more swiftly with trivial complaints. A virtue of the length of the project is that we will be able to investigate the progress of our case study councils in this area.

The second is the importance of seeing the ethical framework, and good conduct generally, as integral to **wider processes of governance**. This highlights new levers for change. Ensuring political parties locally take full responsibility for the conduct of members, including considering ethical risks when recruiting new members, is one example.

The third is to see the ethical framework for local government not just as a set of standards to be met, once and for all, but part of **ongoing processes of improving political conduct**. Through the ethical framework, there exists a mechanism for identifying, discussing and regulating ‘the line’ between legitimate, robust political activity – unearthing perceived wrongdoing, challenging decisions, making judicious use of the press – and behaviour which is over-personal, disrespectful, and needlessly damages the reputation of public institutions as a whole.

You can read the first interim report from the study – *Assessing the Impact and Effectiveness of the Ethical Framework in Local Government in England* – in full on our website.

International involvement

We have contributed to international research on ethics in the past year. In 2008, our Knowledge Building Manager presented a paper on our research to an international conference on ethics in Amsterdam. And, in a panel discussion, we spoke about our approach to monitoring, which was well received.

Our Knowledge Building Manager also attended two events funded by the Council of Europe. One of the events was held at Ankara, Turkey, where advice was given on adopting an ethical framework for the Turkish public sector.

Our involvement has led to an invitation to take part in a further international conference on local integrity systems during 2010-11. Last of all we have asked to contribute to a Council of Europe *Handbook on Public Ethics* which will collate good practice in standards frameworks across Europe.

Working with our partners

We continue to work in partnership with a number of other bodies. For example, we worked with the Planning Advisory Service (PAS) to produce a pocket guide for planning councillors to help them navigate the probity risks in developer meetings and pre-application discussions.

This guide takes the form of a game which can be played in meetings, and resulted from a successful session on the same topic at the 2008 Annual Assembly. The guide is available to download on our website.

Our work and areas of responsibility can sometimes be similar to those of the Local Government Ombudsmen. We worked alongside the Ombudsmen to publish a memorandum of understanding in February 2009.

The document provides guidance to staff, members of the public and advice agencies on our respective roles. This means that complaints can be directed to the appropriate bodies. It also defines each of our primary roles and allows us to fulfil them effectively and efficiently and sets the scope of our functions. You can download the memorandum from either of our websites.

We continue to work with the Audit Commission and the IDeA to ensure that the ethical governance toolkit is up-to-date and relevant. The toolkit enables authorities to assess how well they are meeting the ethical agenda and identify any areas for improvement. We have also been working with the Audit Commission to ensure that data collected from our annual returns can be used in the Comprehensive Area Assessment of local authorities.

2.3 Supporting and guiding local authorities

During 2008-09 we published a range of guidance and advice to support local authorities in the implementation and function of the locally-managed framework. This includes detailed printed guidance, online guides, templates, training materials and partnership publications.

Following the launch of the new local framework in May 2008, we produced a comprehensive range of guidance materials that built on our own experience and that of local authorities. It focused on four key areas: local assessment and how it will operate, the role and make-up of standards committees, local investigations and local determinations.

We have recently added to this guidance after the Standards Committee (Further Provisions) (England) Regulations 2009 came into force on 15 June 2009. These regulations set the guidelines for the local standards framework and our resultant change in role to a strategic regulator. As a result, we published guidance for establishing and operating joint standards committees and guidance to standards committees on granting dispensations.

Around the same time, we also published new guidance for local authorities on other action. This is when a local authority standards committee decides to take steps other than carrying out an investigation when dealing with a complaint.

In autumn 2008, we published a Case Review Digest as a useful accompaniment to the paragraph-by-paragraph analysis of the *Case Review 2007*. The 2008 digest provided monitoring officers with any new information or cases that we thought would be helpful or interesting.

We continue to produce the bi-monthly *Bulletin* which provides members and officers with the most up-to-date policy information and news from Standards for England. In February 2009 we introduced a new electronic version of the newsletter. Users can now select which articles they would like to read and print, and search for any information contained in the *Bulletin* through our website. In the last year we also produced two issues of the *Town and Parish Standard* which was sent direct to parish clerks.

All of these publications are available from our website.

We continue to engage with our audiences in a number of other ways too. Our annual conference, the Seventh Annual Assembly of Standards Committees, was held from 13-14 October 2008.

The theme was *Delivering the Goods: Local Standards in Action*, and the fact that the event was fully-booked by early July was a clear indication that delegates view the Assembly as an important source of practical support and training. The conference focused on helping delegates and their authorities to effectively deliver the local standards framework, with a range of plenary sessions, workshops, masterclasses, fringe events and networking opportunities. The event achieved a 96% attendee satisfaction rating.

Working with parish and town councils

Parish and town councillors account for approximately three quarters of all members covered by the Code of Conduct. A large proportion of parish councils generate no complaints and make no impact on the local standards framework, but others have had serious standards problems.

Standards for England has developed good working relations with representative bodies in the sector, who are strongly supportive of the need for high standards.

During 2008-09, we have been working with the National Association of Local Councils and other partners on two strands of a project funded through the government's capacity building scheme for local councils. One workstream has been piloting the development of compacts to formalise relationships between principal authority standards committees and parishes in their area, working with the county association of local councils. The second has tested the effectiveness of whole-parish mentoring in the sector. An evaluation report on both elements will be published in 2009-10.

Recognising authorities with the highest standards

Sharing notable practice amongst local authorities is an important part of our new role. In addition, we feel it is valuable to publicly recognise and award authorities that successfully uphold the highest ethical standards. So in 2009, we supported the first Standards and Ethics category at the Local Government Chronicle Awards.

Six local authorities were shortlisted for the category – all of whom presented a dynamic approach to promoting ethical standards and boosting confidence in the local standards framework.

The award provided us with our first examples of notable practice in local authorities. We published this information on our website along with films showing what the judges thought of the entries, and what they think the future priorities for standards should be.

Rossendale Borough Council was announced as the winner at the LGC Awards ceremony in London on Wednesday 25 March. The other shortlisted authorities were Ceredigion County Council, Leeds City Council, Lincolnshire County Council, Newark and Sherwood District Council and Newcastle City Council.

Case study - 'Serious About Standards'

Rossendale Borough Council was the winner of the first Standards and Ethics Award. The council's standards agenda has made a real difference. Its influence was strong and visible through the strapline 'Serious About Standards'. The council was boosted from 'poor' to 'good' in its Comprehensive Performance Assessment by the Audit Commission. Resident satisfaction has also risen by 8% with an increased turnout at local elections.

Chief Executive Carolyn Wilkins told Standards for England that the council's strapline was used everywhere – from mugs to mousemats – meaning that people see it as “the strong heart of all the work” the council has put in place.

Carolyn shared some secrets of the council's success. She said a mixture of training and promotion, aided by the presence of a strong independently-chaired standards committee has helped.

She added: “We found [the strapline] really useful as a hook for the trainer that comes in. We've done an awful lot of training for elected members, and we have governance champions in all our teams as well who carry those messages out, supporting staff with questions that they might have around the Code of Conduct.”

Carolyn stressed that it was important in terms of good practice to ensure that the message comes from the top and is disseminated both within the authority and to the public.

2.4 Identifying risk, providing solutions

Local authority engagements

Although local authorities are usually best placed to deal with their own standards matters, there have been occasions in the past year where we have stepped in to help.

Our engagements have taken various forms, from providing advice about recruitment of independent members, to visiting authorities and assisting with training.

We are keen to continue fostering close relationships with authorities so that we are best placed to assist the community we regulate as well as having a close oversight of the standards framework in operation.

Here are some examples of our active engagement with the local standards framework:

a) Standards committee composition

The composition of the standards committee is integral to making sure that it is able to perform its functions. When an authority's standards committee is not correctly constituted, we contact the authority to discuss ways to rectify this.

One authority has had difficulty recruiting an independent chair. We passed on our knowledge of recruitment methods other authorities have used for independent members. We also discussed options for encouraging existing independent members of the committee to become chair. The authority appointed a temporary

independent chair while it continued to work to recruit a permanent independent chair. One of our relationship managers offered continuing support.

b) Help where it's requested

We have engaged with authorities where our support has been able to add weight to the standards committee's role in improving behaviours.

The chair of one authority's standards committee approached us over perceived ethical challenges in his authority.

We visited the authority, and met its officers and the standards committee chair. Together, we organised an ethical training day which we delivered to senior officers and members. The day was useful in raising the profile of the importance of ethical conduct and the standards framework in the authority.

It also proved to be the foundation of further work undertaken locally and with Standards for England.

c) Engaging through casework

We engaged with an authority that had referred an incomplete local investigation to an ethical standards officer at Standards for England following the monitoring officer leaving the authority.

We met representatives from this authority and found that the standards committee had not been trained on the new framework. We enlisted support from a monitoring officer of a neighbouring authority. We delivered a training session on the Code of Conduct, followed by hands-on training on local assessment, using genuine case studies. This allowed the new standards committee to be confident in their new role of assessing Code of Conduct complaints. Later the same day, we attended a formal meeting of the committee where a chair and vice-chair were elected and new procedures were adopted.

Developing our approach to risk

Public confidence in the local standards framework is crucial to its success. One way we can guarantee this is by ensuring the local standards framework is robust.

So a key part of our new role is assessing and mitigating against risk of standards failure, in individual authorities, in types of authorities and in the local standards framework.

This means gathering information from local authorities to spot potential problems. We are developing a risk assessment model that will help us assess the level of risk that authorities pose to the standards framework. That way we can prioritise our engagement work to the authorities that need it the most. We will also expect to identify and respond to emerging trends in standards issues.

Monitoring returns

We developed a monitoring returns system in time for the launch of the local standards framework, which allows us to collect regular information from authorities. We use this information to provide guidance and support to authorities facing problems.

The system means we can spot individual authorities that are not complying with the local standards framework or who are facing difficulties in implementing the framework.

There are two types of reports that authorities must complete for us:

Quarterly returns – an online form on our website that monitoring officers complete every quarter, which contains questions about the composition and function of standards committees and any cases handled locally.

Annual returns – an online form which asks about the arrangements authorities have in place to support the local standards framework. This annual survey gives us a picture of the culture and wider governance arrangements of an authority.

Information from both of these can be found in the first section of this review.

Our risk model will use information about standards committees that we collect via our annual and quarterly returns, and information relating to the authorities as a whole, from other sources such as future Comprehensive Area Assessment scores determined by the Audit Commission.

Risk management will let us identify risk before problems occur. It will help identify standards committees that may be effective yet are at risk of experiencing wider standards issues. It will also help us detect authorities which are not experiencing standards issues but are at high risk of doing so. We intend to consult closely with authorities as we develop this area of our work during 2009-10. We have also met with other strategic regulators during the last year, to share experiences and expertise.

Sectoral risk: partnership working

In our developing approach we will work to assess specific standards risks affecting groups of authorities and how they might be mitigated.

As a precursor to this approach we have been looking at the standards risks inherent in partnerships.

We have worked with Manchester City Council and its partners to set guidelines for the culture of partnership working between local authorities and their delivery partners.

When finished, the guidelines will prescribe appropriate behaviour that can be applied to day-to-day partnership working. We hope that the project will be used as a basis for providing guidance nationally on standards in partnership working.

The project involved setting up a number of Action Learning Sets which are similar to focus groups, with Manchester's strategic, contractual and voluntary partners. We used the findings from the sets to create an online survey which was sent to all of the council's partners.

We will build on this work in 2009-10 to produce a final protocol for partnership working.

2.5 Our investigations role

It is important that a mechanism exists for dealing with misconduct allegations that for whatever reason cannot be resolved at a local level. We are using and developing upon our experience in this area to deliver efficient and effective investigations.

Further details can be found in this section, along with some significant cases that have taken place over the last year.

Taking on investigations

Our main concern when taking on cases referred to us by local standards committees is to support the framework. There are a number of factors that we consider when deciding which cases we should accept in the public interest. These include:

The status of the member who the complaint has been made about. For example, the authority may find it difficult to investigate an allegation about the leader of the council or the chair of the standards committee.

The status of the complainant. A standards committee may find it difficult to refer a matter for local investigation, if for example, the complainant is the authority's chief executive or senior officers are witnesses to the alleged conduct.

The nature of the case. The case might be difficult to handle locally because it is so serious or complex, involves so many members, or is linked to other investigations, for example by the ombudsman.

From 8 May 2008 to 31 March 2009, we received 177 referrals from standards committees. We make one of three decisions when assessing a referral and these are set out below together with the number of decisions taken in each¹⁷:



Of those 123 accepted cases, 66 were completed by 31 March 2009. Of these:

- 39 found that there has been no failure to comply with the Code of Conduct.
- seven found that there had been such a failure to comply but no action needed to be taken
- there were no cases in which it was decided that the matter should be referred to the monitoring officer of the relevant authority for determination by the local standards committee
- seven cases were referred to the Adjudication Panel for England for adjudication by a tribunal. As of 31 March 2009, none of these cases had yet been heard by the Adjudication Panel
- in 13 cases, directions were issued¹⁸.

We employ ethical standards officers to investigate potential breaches of the Code of Conduct.

Between 1 April 2008 – 31 March 2009, 123 cases were completed that had been referred for investigation by an ethical standards officer before the introduction of the local standards framework. Of these:

- 46 found that there has been no failure to comply with the Code of Conduct.

¹⁷ Note: These figures are different from those reported previously, because single referrals from local authorities may, depending on circumstances, be divided into multiple cases by us, for example if more than one subject member is involved.

¹⁸ Our ethical standards officers have the option of issuing monitoring officers with directions to take action to solve local problems – for example, training for the whole authority. The aim is to help the authority improve its own effectiveness and conduct, at a far lower cost in time and money than an investigation. Often we issue directions in situations where we believe a case has broad relevance for the overall governance of an authority.

- 43 found that there had been such a failure to comply but no action needed to be taken.
- In nine cases it was decided that the matter should be referred to the monitoring officer of the relevant authority for determination by the local standards committee.
- Ten cases were referred to the Adjudication Panel for England for adjudication by a tribunal.
- In 15 cases, directions were issued.

Of the cases in which our investigation found that there had been a breach of the Code:

Area of the Code of Conduct	Number of investigations
Part 1 9 (1): Personal interest – failure to declare a personal interest	9
Part 1 5: Office/authority into disrepute	8
Part 1 6 a: Securing advantage or disadvantage	6
Part 2 12 (1) a: Prejudicial interest – failure to withdraw	6
Part 2 12 (1) c: Prejudicial interest – sought to improperly influence	6
Part 1 3 (1): Failure to treat with respect	4

You can find summaries of some of our cases on pages 42-45.

At the end of an investigation, the ethical standards officer can refer the case to the local standards committee or to the Adjudication Panel for England if the conduct which the ethical standards officer considers to be a breach is sufficiently serious to warrant some form of sanction.

The Adjudication Panel is an independent tribunal that is set up to hear and determine referrals over the code of conduct of local authority councillors.

We sent 17 cases to the Adjudication Panel in 2008-09, ten of which are yet to be heard. The Adjudication Panel made six determinations. One case was heard in 2008-09 but referred in 2007-08. Four of the cases referred were regarding two members and were heard together by the Adjudication Panel.

The outcome of the six determinations made by the panel in 2008-09 were:

1 no breach

1 censure

1 disqualified for 15 months to five years

A timely and efficient investigations process

During 2008-09 we began an organisation-wide review of the investigations process, with the help of internal and external advisers and taking account of best practice in similar organisations. At the time of publication of this *Annual Review 2008-09*, we have already achieved a significant reduction in the average time taken to conduct an investigation. This has been done by ensuring that proportionate investigations are conducted as efficiently and effectively as possible without any unnecessary delay.

We will also continue to work on the results of the review to improve upon the level of quality and consistency of our investigations in terms of thoroughness, equity and sound decision making.

In addition we aim to enhance our customer care standards, ensuring that:

- those involved in investigations are notified about decisions more quickly
- subject members get the opportunity to make an early response to an allegation
- each party in an investigation receives improved, meaningful and appropriate communication and progress updates.

Case summaries

Here are some of our significant cases during 2008-09 that have reached a conclusion.

Three-year ban for Dartmouth councillor

Dartmouth town councillor Brian Boughton was disqualified for three years following a hearing by the Adjudication Panel for England.

The ban came after an investigation by a Standards for England ethical standards officer, which found that the councillor had breached the Code of Conduct by bullying a council officer, treating a council officer and several councillors with disrespect, and bringing his office and the council into disrepute.

It was alleged that Councillor Boughton bullied and undermined the Dartmouth town clerk over a long period of time. He subjected the clerk at one stage to almost daily visits in the council's offices, during which he would frequently become aggressive, angry and intimidating in front of officers and members. He also repeatedly accused the clerk of incompetence, to his face and to others.

The councillor was also disrespectful to other members. He referred to the mayor as a "bl**dy hypocritical b*tch" and claimed in a letter to a new member that two of their fellow councillors were showing "serious signs of dementia".

Ethical standards officer recommends new protocol and guidance

In North Lincolnshire, 15 Conservative councillors were alleged to have breached the Code of Conduct. This prompted a Standards for England ethical standards officer (ESO) to recommend that the council adopt a protocol for members on the proper use of council resources for party political purposes.

The complainant alleged that the Conservative members misused North Lincolnshire Council resources to convene a public meeting as an "Extraordinary Council Meeting". It was also alleged that they misused the council's logo on an unauthorised publication and failed to declare a personal or prejudicial interest in relation to the publication at the meeting.

The members were alleged to have misused council resources in order to call a public meeting and that the council's logo was used without prior authorisation.

However, the ESO found that there was no council business under consideration in which any of the 15 councillors could have declared a personal or prejudicial interest. Therefore there was no breach of the Code of Conduct.

The ESO did take into account the complainant's concerns about the potential for public confusion over the use of the council's logo for political group publications. The ESO also recognised the need for clarity for all members over the proper or improper use of council resources for party political purposes. Given this, the ESO recommended that the council adopt a protocol on the proper use of council resources by political groups. They also recommended that guidance be published on the appropriate use of the council's logo with reference to the Code and the code of recommended practice on publicity.

‘Aggressive’ behaviour leads to 12-month disqualification

A husband and wife who were members of a Cornwall parish council were disqualified from office for a year after their ‘aggressive’ behaviour saw the parish clerk and their three fellow councillors resign.

The ban, imposed at a hearing of the Adjudication Panel for England, followed an investigation by Standards for England into allegations that Peter and Sheila Montague failed to treat others with respect and brought their office into disrepute.

It was alleged that Peter and Sheila Montague behaved in an aggressive, intimidating and disrespectful way to fellow parish councillors and a member of the public in council meetings between May and June 2007. It was also alleged they made verbal and written attacks on the character and integrity of the ex-clerk to the council.

The Adjudication Panel concluded that the language in emails written by Mr Montague and approved by Mrs Montague was rude and unjustified.

It also found that Mrs Montague’s shouting when other councillors disagreed with her was beyond what was acceptable in a council meeting, as was the Montagues’ behaviour at a meeting on 29 June 2007. They shouted at, talked over and interrupted other councillors, were aggressive, overbearing and rude, and without justification, questioned the clerk’s integrity.

The Adjudication Panel was satisfied that Mr and Mrs Montague’s conduct brought their office into disrepute. This was because their behaviour seriously affected the wellbeing of several individuals and damaged the normal running of the council.

Sought to influence planning decisions

A former member of Wycombe District Council was disqualified from office for a year for his conduct in relation to two planning applications.

Following an investigation by Standards for England, Councillor Anthony Dunn’s case was referred to the Adjudication Panel for England for determination.

The complaint alleged that he had used his position improperly to influence the outcome of planning applications.

The ethical standards officer (ESO) concluded that Councillor Dunn had sought to influence the council’s decisions on planning applications made by a company of which he is secretary. His brother was also acting as a consultant on the applications.

The ESO’s view was that Councillor Dunn had used his position improperly, sought to compromise council officers’ impartiality, sought to influence decisions in which he had a prejudicial interest, and brought his office into disrepute.

The ESO also noted with concern that Councillor Dunn’s breaches of the Code came after he was suspended for a month in December 2006 for similar conduct.

Found to be innocent of tampering with a petition

It was alleged that a councillor falsely claimed to act on behalf of her local MP by removing the MP's petition from a local post office and putting it forward as her own. The petition was part of a campaign opposing the closure of 12 post offices in the constituency.

It was also alleged that the intended recipient, Post Office Limited, did not receive the petition and that as a result of the councillor's actions, over 300 of the MP's constituents were in effect denied representation.

The councillor stated that the petition did not refer to the MP and that, had it done so, she would not have taken it. She removed it because she knew the closing date for the post office closure consultation was imminent and she felt partly responsible, as a district ward and parish councillor, for ensuring the petition reached its destination.

The ethical standards officer (ESO) found that the evidence confirmed the councillor's account that Post Office Limited had received the petition in time and that it was given due consideration as part of its consultation.

During the investigation, the ESO also obtained independent evidence showing that the petition the MP placed in the post office had all references to the MP removed from it by an unknown person. The ESO concluded that when the councillor removed it she did not know that the MP was involved and did not claim to be acting on the MP's behalf.

The ESO noted that four of the 12 of the MP's petitions were not received by Post Office Limited and one of those received had been forwarded by the National Federation of Women's Institutes.

The ESO found that the councillor had not attempted to represent the petition falsely as her own work and had not brought her office or authority into disrepute. She concluded that she had not failed to comply with the Code of Conduct.

Planning case referred to Standards for England

Standards for England engaged with Harrow standards committee after a high-profile member of the London Borough was alleged to have breached the Code of Conduct.

The case was one of the first considered under local assessment by its standards committee – and the subject member was considered high profile as she was a senior member and married to the council's leader.

In the case, the complainants alleged that the subject member breached three paragraphs of the Code in relation to a planning application – namely that:

1. she failed to treat others with respect
2. brought her office or authority into disrepute
3. failed to withdraw from a meeting in which she had a prejudicial interest

As the case was considered to be of high profile, the monitoring officer sought independent legal advice through an external consultant. The case was referred to the council's assessment sub-committee, and in a report the independent consultant said that

the subject member appeared to show a failure to comply with the authority's Code. As a result, the standards committee referred the case to Standards for England for investigation.

Having considered the case, the ethical standards officer found no evidence of any breach of the Code of Conduct.

Some members were critical of the standards committee's decision to refer the allegations to us for investigation. This was because it involved a high profile subject member but eventually resulted in no evidence of any failure to comply with the Code.

Once the case was completed, Harrow's monitoring officer invited the ethical standard officer to attend the standards committee and to provide information about our work.

The committee was reassured that despite the finding, the assessment sub-committee had been justified in referring the case for investigation by Standards for England. This was because the committee had identified two issues that would make the case unsuitable for local resolution:

1. the seniority of the subject member and her relationship to the leader
2. the perception that the council had a stake in the outcome (the background was a key planning development)

The standards committee was given a briefing on topics including the investigations process and the sort of cases the ethical standards officer sends to the standards committee for determination.

About Standards for England

Standards for England^{*} is a non-departmental public body administered through the department for Communities and Local Government.

We are based in Manchester with 80 permanent and fixed term employees as of 31 March 2009.

During 2008-09, the Adjudication Panel for England - the independent case tribunal for standards - was part of Standards for England for administrative purposes. During the year proposals to transfer the Panel to the Tribunals Service were confirmed and that transfer took place early in the 2009-10 business year.

In 2008-09 we have been carrying out 'behind the scenes' work to make sure that we are fit for purpose in our new role. Redesigning our structure to meet our changed needs will be completed during 2009-10.

Details of our performance and our finances during 2008-09 are available in our Annual Report which was laid before parliament on 16 July 2009.

This and other information is available on our website at www.standardsforengland.gov.uk

Board members

Dr Robert Chilton **Chair**

Bob joined local government after completing a PhD on the London housing market. He worked in planning, housing and chief executives' departments of UK councils and in 1979, was appointed as director of Housing and Property Services for the Royal Borough of Kensington and Chelsea. He became assistant director of South Bank Polytechnic in 1984, and in 1986, he became chief executive of Gillingham Borough Council.

In 1989, Bob became the Audit Commission's Local Government Director and in 1995, on secondment, Bob was chief executive of the Local Government Commission. Between 1999 and 2001, again on secondment, Bob established the Greater London Authority serving as its inaugural chief executive. He was vice-chair of the National Consumer Council until September 2008.

In addition, Bob is chair of East Thames Group and deputy chair of PhonepayPlus. He is also a non-executive director of the Office of the Information Commissioner, a non-executive director of the Waste and Resources Action Programme and sits on the Home Office Audit Committee.

Professor Judy Simons **Deputy Chair**

Judy Simons is Emeritus professor of English at De Montfort University. She has been a board member of the Higher Education Academy and Chair of Council and a member of the strategic committee for leadership, governance and management at the Higher Education Funding Council for England. She is an Associate of the Leadership Foundation for Higher Education, a Governor of Sheffield Hallam University and a Governor of Lady Manners School, Bakewell.

She has chaired a number of national academic bodies, including the Council of University Deans of Arts and Humanities. She is also a fellow of the Royal Society of Arts and a fellow of the English Association.

Councillor Shirley Flint

Shirley Flint is an independent councillor at North Kesteven District Council, elected in 1995. She has previously been chair of the council's standards committee, the tenant liaison committee and the housing and environmental health committee. She is also a member of Skellingthorpe Parish Council.

Paul Gott

Paul Gott is a barrister and a member of Fountain Court Chambers. He was appointed as junior counsel to the Crown in 1999 and appointed to the Treasury Counsel "A" Panel in 2005. He practises in commercial and employment law, with employment law specialisations in the areas of strike action, discrimination and equal pay on which he regularly advises government departments and private clients. Commercial law specialisations include civil fraud, banking and accountants' negligence.

*Standards for England is the new operating name for The Standards Board for England

Elizabeth Hall

Elizabeth Hall worked for more than ten years until retirement in the Financial Services Authority, the single regulator for the financial services industry, mainly on consumer protection, complaints and financial capability. She continued as a consultant until March 2009.

She is a member of the council of Queen Mary University of London and chair of its research ethics committee. She is also chair of Bow Arts Trust, a member of the Court of the Royal Foundation of St Katharine, and a Board member of a major housing association in Tower Hamlets.

Elizabeth has several lay responsibilities in the Church of England, including as an examining chaplain for the Stepney Area.

Councillor Mehboob Khan

Mehboob Khan has a background in private business and has been a Kirklees councillor since 1996. His current positions include being leader of Kirklees Council, deputy chief whip on the Local Government Association (LGA) and member of the LGA Safer Communities Board where he is the board lead on Community Cohesion and Prevention.

He is on the LGA Fire Services Management Committee where he is the lead on Comprehensive Area Assessment and leader of the Labour Group on West Yorkshire Fire Authority. He is also a non-executive director of NHS Kirklees, vice chair of the Socialist Group of the Council of Europe (CoE) and a member of the CoE Social Cohesion Committee.

Mehboob is additionally policy lead on Community Cohesion and PVE, member of the Labour Party NEC/Local Government Sub Committee and a member of the Labour Party National Policy Forum.

Councillor Sir Ron Watson CBE

Sir Ron Watson CBE has been a Conservative councillor since 1969 and has held most leadership positions, including leader of the council on Sefton Metropolitan Borough Council.

He has held a number of roles at the Local Government Association, as deputy chair, chair of the Tourism and Environment Executives, and deputy chair of the Regeneration Board. He is currently vice chair of the Urban Commission, a lay member of the Mental Health Review Tribunal, chair of the Southport and Ormskirk NHS Hospital Trust and a member of the UK Delegation to the EU Committee of the Regions.

His business background is in tourism and he is a fellow of the Institute of Travel and Tourism and of the Tourism Society. Sir Ron was recently appointed to the Board of the Solicitors Regulation Authority and takes up this position on 1 January 2010.

Elizabeth Abderrahim

Lizzie Abderrahim is the independent chair of Gloucester City Council's standards committee and a non-executive director of the 2Gether NHS Foundation Trust. She also sits as a chair of Registration and Conduct Committees of the General Social Care Council.

From 2001-07, Lizzie was a board member for the National Probation Service in Gloucestershire. She qualified as a social worker in 1984, specialising in mental health, before qualifying as a barrister. She went on to work in the not-for-profit sector where she had responsibilities which included strategic development and the training and supervision of advisers working for the Citizens Advice Bureau.

Lizzie is active in her local community where she is a trustee/director of the Westgate Community Trust and Gloucestershire Action for Refugees and Asylum Seekers. She is also a trustee of the Gloucester Relief in Sickness Fund.

Councillor Stephen Knight

Stephen Knight is a Liberal Democrat councillor in the London Borough of Richmond upon Thames and serves as Deputy Leader and Cabinet Member for Resources.

He was formerly the political adviser to the Liberal Democrat Group at London Councils (formerly the Association of London Government) and is now vice chair of the London Councils Grants Committee as well as being an accredited member peer for the Improvement and Development Agency for Local Government (IDeA) and the Audit Commission. His previous jobs include public relations officer for the Jubilee Sailing Trust and senior public relations consultant with Argyll Consultancies PLC.

He is chair of governors of a local primary school and was a founding trustee of Richmond Youth Partnership. Stephen studied physics at Southampton University where he became president of the students' union.

SUMMARY OF OBSERVATIONS FROM THE STANDARDS FOR ENGLAND ANNUAL CONVENTION

Key points:

1. Revised Code available from end Nov 2009, to be in effect by May 2010. There is the usual liability to advertise the changes.
2. Standards Board for England (SBE) has no visibility of the cost or the quality of output from the Standards Framework (SF) on local authorities.
3. SBE is considering providing guidance and a mechanism to deal with tit-for-tat complaints under the Code.
4. The key concern is proportionality – is the SF delivering value for money? Is it too large a hammer to crack a small nut?
5. A Conservative Government, if elected is likely to take a very close look at the value of the SF. However, little is likely to change within a year of the general election. **Should we advise the Leader?**
6. The new DVD on the Code looks more appropriate for use at Parish Level training.

I attended two workshops – ‘Engaging Leaders’ and ‘Standards and Partnerships’ and one plenary session “Standards a force for good or a necessary evil?”.

Engaging Leaders – “Be the conscience of the authority”.

- Should we attend some more Committees as observers?
- Can scrutiny of the constitution be done without independent members?
- Should we brief the CE/Cabinet more often?

Standards and Partnerships

- Can the Standards Committee add value to partnering by helping to describe and implement the shared values and behaviours of the partners?
- Members feel disenfranchised from partnership working. Is this true in SKDC and if so, can the Standards Committee help here?

Plenary – ‘Force for Good or Necessary Evil’

The following comments were made and arguments deployed:

- Public confidence in public servants very low after MPs expenses row
- Is the SF disproportionate to the “trivial” nature of the complaints which has eroded the traditional role of the Monitoring Officer?
- SF is a cushion between the District and Parish Councils
- Does an apology (usually the preferred solution) need the full process of the SF?

AGENDA ITEM 8 *Standards Committee 6.11.09*

- At the Assessments Ctte level a decision of No Further Action needs more transparency to reduce appeals
- Those Standards Cttes with experience are not letting the process slow them down, but authorities with few complaints seek ever more guidance from above.
- An effective complaints system is needed at Parish level

Overall Conclusion

At SKDC I believe we have got the balance right. Some Standards Committees with little to do are looking to widen their role in the Authority. We don't need to do that. However, I think we (I) could do a bit more to communicate the style of our activity in support of raising standards throughout the authority. Thereby, any new Government agenda could be considered from a position of knowledge rather than an assumption by the Leader and CE that all is OK.

The Standards Committee will wish to express a view on any change to what we do currently.

C G Holtom CBE
Chairman

Aide memoire on Other Action		
Factor	Description	Outcome
The Assessments Committee has three options:	1. Refer the complaint to the MO 2. Refer the complaint to the Standards Board 3. Take no action	
If the complaint is referred to the MO there are two further options:	1. Direct the MO to investigate the matter 2. Direct the MO to take Other Action	
There are generally two indicators for Other Action:	1. Poor understanding of the Code 2. A breakdown in relationships making business difficult	
Nature of the complaint	Does the complaint challenge a member's honesty or integrity? If the complaint were found to be true would the alleged action warrant a sanction	If YES to either question Other Action is not appropriate
Implications of a decision on Other Action	The complaint is referred to Other Action	- There is no opportunity to conduct an investigation subsequently should Other Action fail. - There is no finding of fact. - The action decided upon must not imply that the member has breached the Code. - The Direction is to the Monitoring Officer only.
Types of Other Action	1. Arrange for training 2. Arrange conciliation 3. Any other steps which appear appropriate	The action must not imply the member has done something wrong.
Perceptions of Other Action	1. Trivial cases are best dealt with by a decision to take No Further Action. 2. Other Action should not be seen as a cheap, quick solution – it is neither quick nor cheap as a rule. 3. Where it is considered in the public interest to investigate a complaint, even if trivial, then Other Action should not be the decision.	A long standing issue can be dealt with best by a full investigation. Other Action may appear to be sweeping the issue under the carpet.

Agenda Item 10

REPORT TO STANDARDS COMMITTEE

REPORT OF: Principal Democracy Officer

REPORT NO: DEM035

DATE: 6th November 2009

TITLE:	LINCOLNSHIRE STANDARDS FORUM	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Corporate Governance and Housing	
CONTACT OFFICER:	Paul Morrison - Principal Democracy Officer Tel:01476 406512. e-mail:p.morrison@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and appended to the report:N/A	Full impact assessment Required:N/A
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATION

It is recommended the Standards Committee note this report.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

The purpose of the report is to advise the Committee of the proceedings at the Lincolnshire Standards Forum meeting held at the East Lindsey District Council Offices on Wednesday 23rd September 2009

3. STATE HOW THIS DECISION WILL CONTRIBUTE TO PRIORITY THEME

The decision will contribute to the “quality organisation” priority by conveying information to the Standards Committee and advising of current national developments.

4. DETAILS OF REPORT

The Principal Democracy Officer (Paul Morrison) and Councillor Paul Cosham attended the Lincolnshire Standards Forum meeting on 23rd September 2009 in the East Lindsey District Council Offices at Manby near Louth.

Representatives of the following authorities attended:-

- East Lindsey DC
- West Lindsey DC
- North Kesteven DC
- South Kesteven DC
- South Holland DC
- Lincoln City Council
- Lincolnshire County Council
- Lincolnshire Police Authority
- Lincolnshire Association of Local Councils
- Rossendale BC (Lancs)
- Burnley BC (Lancs)
- Standards Board for England
- Adjudication Panel for England

The first speaker was Mr Storm Westmaas, a lawyer from the Standards Board for England (SBE). He gave a presentation on the local assessment process after one year of operation, and also on the revised members code of conduct, due to be issued by May 2010. He advised that between 8th May 2008 and 31st March 2009 2863 complaints had been received by the 438 English local authorities. 73% of authorities had received at least one case, the highest number of complaints received by one authority was 209.

Of all complaints received, 53% were assessed for no further action, 29% were referred for investigation, 12% were referred for other action and 6% were referred to the SBE. Of the complaints referred for investigation, there was a finding of no breach in 71% of cases.

A number of issues had emerged across the country:-

- At some authorities, monitoring officers were filtering complaints, whereas of course only the assessment sub committee can do this.
- In respect of other action, it was confirmed that once a complaint had gone down this route, if the action failed then you could not go back and try the hearing route. Also, you could not seek to force an apology from someone.
- With regard to vexatious complaints, these should still be dealt with in the normal way, but you could be more assiduous in your questioning of the complainant.

Turning then to the revised code of conduct, Mr Westmaas advised of the following :-

- The new code should be published by May 2010
- Paragraph 12(2) would become mandatory for parish councils
- Paragraphs 8(1)(a)(i) and (ii) would be modified
- The code will again cover conduct in a private capacity, this would be limited to criminal conduct that has resulted in a conviction.
- The double negative would be removed from paragraph 10 (prejudicial interests)
- The sections around gifts and hospitality would be clarified.

Mr Westmaas also advised that the long awaited officers code would be issued shortly.

With regard to joint committees, Mr Westmaas advised that these were more likely to be established where there were no parish councils i.e. in urban areas rather than more rural areas such as Lincolnshire.

The second speaker was Mr Richard Enderby, Chief Executive of LALC and a member of the Adjudication Panel for England (APE). He advised that the APE would be replaced by a new body with effect from 1st January 2010, the provisional name of which was the "General Regulatory Chamber". All SBE appeals would be heard by this new body. Under the new arrangements costs could be awarded, either to an appellant or to a standards committee.

Mr Enderby also spoke on the work of the Adjudication Panel. This met in public and proceedings were recorded. He spoke on a number of aspects that had emerged from the APE consideration of cases, including bullying. The APE took the view that bullying of a junior clerk by a member was more serious than a chief executive for example, who in the APE's view were paid to deal with such pressure.

Finally there was a talk by Mr Andrew Neville, who was the independent chairman of both Rossendale's and Burnley's standards committees.

5. OTHER OPTIONS CONSIDERED

Not applicable

6. RESOURCE IMPLICATIONS (INCLUDING FINANCIAL, PEOPLE)

There are no resource implications.

7. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

Not applicable.

8. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

None applicable

9. CRIME AND DISORDER IMPLICATIONS

None applicable

10. COMMENTS OF SECTION 151 OFFICER

There are no financial implications

11. COMMENTS OF MONITORING OFFICER

The Lincolnshire Standards Forum is a forum for Standards Committee members to meet once a year to discuss topical issues.

12. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS

None applicable

13. APPENDICES:

None