

Standards Committee

21 August 2009



Local Assessment of Complaints

Report of Colette Longbottom, Head of Legal and Democratic Services and Monitoring Officer

Purpose of the report

- 1 To present the Standards Committee with information on the operation of the local assessments of complaints from May 2008.

Background

- 2 From May 2008 local authorities' Standards Committees (rather than the Standards Board for England) have assumed responsibility for the initial assessment of Member misconduct allegations, commonly referred to as the local filter arrangements and as such the local resolution of complaints may be facilitated.

The Standards Board for England - The National Picture

- 3 During 2008/09 the Board has collected quarterly returns from local authorities and has taken the opportunity to reflect on how the local framework has bedded in. A total of 2,863 cases have been recorded nationally covering the period 8 May 2008 to 31 March 2009. (This compared with the receipt of by the Standards Board of 3624 allegations against Members in 2007/08 and 3,549 in 2006/07).
- 4 The majority of complaints, 54%, were made by the public and 36% were from council members. The remaining 10% were from a combination of officers, parish or town clerks, MPs, monitoring officers, and those that fall into the category of 'other'.
- 5 After initial assessment the percentage of cases where no further action was taken increased each quarter from 40% in quarter 1 to 53% in quarter 4. There have been 526 review requests through the year and 384 of these have been re-assessed. 94% remained 'no further action' and the other 25 (6%) were either referred for investigation or referred to the Standards Board.
- 6 There were 224 cases with investigation outcomes recorded on quarterly returns. In 71% of cases, no breach of the Code was found. In 25% of cases, a breach was found and a penalty was imposed and in 4% of cases a breach was found but no further action was taken.

Durham County Council

- 7 The membership of the Council's Standards Committee was extended to twelve Elected Members and six Independent members from May 2008 to accommodate the newly acquired responsibility for the initial assessment of misconduct allegations. In the first year of operation of these local filtering arrangements Durham County Council received 10 allegations of misconduct involving 7 County Councillors from May 2008 to March 2009. The outcomes of the assessments were that 7 matters were referred to the Monitoring Officer for action and further details are summarised below. The remaining 3 assessments resulted in decisions to take no further action and review requests were received in relation to these.

Report of Monitoring Officer's Action

- 8 On 4 September 2008, the Standards Committee considered a complaint from Mr. R. Mews alleging that Councillor J. Shuttleworth used planings generated from the resurfacing of the A688 in Stanhope to improve a private road. The matter was referred to the Monitoring Officer for other action.
- 9 Action Taken: The Monitoring Officer and the Chair of the Standards Committee met with Councillor Shuttleworth on 25 September to discuss his role in the context of the allegation. The Corporate Directors have reviewed the procedures for the disposal of surplus materials/resources and procedural guidance has been produced and circulated to all relevant personnel. It should be noted that where a request is received from a Member of Durham County Council the Monitoring Officer will be contacted for advice.
- 10 On 4 September 2008 the Standards Committee considered 3 complaints from Mr Gibson, Mrs Abed-Ali and Councillor G. Gray linked to Councillor D. Bowman's two attendances at the Royal Garden Party in her dual capacity as a County and Town Councillor.
- 11 Action Taken: The Monitoring Officer and the Chair of the Standards Committee met with Councillor Bowman on 10 October 2008 to discuss her actions in the context of the allegations, Councillor Bowman accepted the advice offered as to her future conduct and agreed to participate in mediation meetings with Councillor Gray to be facilitated by the Monitoring Officer of Sedgefield Borough. The Leader of the County Council was consulted in relation to selection procedures for attendance at Royal Garden Party and indicated his intention that in future years selection would be based upon the representation of all political groups.
- 12 On 3 March 2009 the Standards Committee considered a complaint from Councillor D Hicks alleging that Councillor Bob Young had contravened the requirements of the Local Authority Code of Publicity on 2 occasions in late March early April 2008 at the beginning of the County Council Elections purdah period.

- 13 Action taken: The Deputy Monitoring Officer and the Chair of the Standards Committee met with Councillor Young and his legal representative on 30 March 2009. The panel received an assurance that Councillor Young was aware of the requirements of the Code of Conduct in relation to having regard to the Local Authority Code of Publicity and would take advantage of any future training offered on the Members' Code of Conduct.
- 14 On 26 March 2009 the Standards Committee considered a complaint from Mr I Williams that Councillors Crooks and Wilkes had publicised misleading facts relating to the removal of a traffic calming measure in Bearpark.
- 15 Action taken: The Monitoring Officer met with Councillors Crooks and Wilkes on 18 May 2009 to discuss their role in relation to the allegation and clarify that operational procedures carried out by officers relating to the removal of traffic calming measures did not include consultation with the Police. The members were advised of the necessity to ensure that all statements are checked as being factually correct before publication.
- 16 The Monitoring Officer has also requested that the Corporate Director, Neighbourhood Services review these procedures and give consideration to the inclusion of consultation with the Police as part of the process for removal of traffic calming measures.

Local Assessments for the Period April to June 2009

- 17 Membership of the Standards Committee was further extended in April 2009 with the addition of six parish representatives to reflect the responsibility the new unitary authority assumed for dealing with allegations of misconduct against town and parish councillors.
- 18 In the period April to June the Council received 12 complaints in total, 9 from members of the public, 2 from Parish Councillors and 1 from a Parish Clerk. In some instances the complainants cited more than one councillor in their complaint and also submitted more than one complaint. In total the complaints encompassed 31 allegations of misconduct in the following contexts - County Council 4, Former District Councils 3 and Parish Councils 24.
- 19 Local assessments of the 12 complaints have been completed, 9 resulting in decisions to take no further action, 1 matter was adjourned to request further information from the complainant, 1 matter was referred for investigation and 1 matter referred to the Monitoring Officer for action (Appendix 1 provides an illustrated summary of local assessment matters). Further information on the outcome of action relating to the latter 3 cases will be provided to the Standards Committee in due course.

Recommendation

- 20 Members are asked to note the report and determine whether the Committee is satisfied with the action undertaken by the Monitoring Officer outlined in paragraphs 8 - 16 of the report.

Background Papers

Standards Board Bulletin 44 – Quarterly returns one year on Local Assessment Decision Notices

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Appendix

Summary of Local Assessment of Complaints

