

Standards Committee

16 September 2010

Draft Annual Report of the Standards Committee



Report of Independent Chair of the Standards Committee

Purpose of the Report

1. To reflect and report on the work of the Standards Committee during 2009/10 and to set out the programme of work which the Committee intends to undertake during 2010/11.

Background Information to the Annual Report

2. Although there is no legislative requirement for Standards Committees to produce an Annual Report, doing so is recognised as good practice. Producing such a report not only publicises the work undertaken by the Standards Committee to the general public, but it is also a useful mechanism for the Authority itself to monitor the Committee's work.
3. There are several purposes of the report, beginning with a reflection of the role and make-up of the Standards Committee.
4. The primary function of the report is then to review the work of the Standards Committee during the previous municipal year. Furthermore, the report will communicate the forward programme of work which has been agreed by the Standards Committee in light the recent implementation of a Development Strategy.

Membership of the Standards Committee

5. The Standards Committee is comprised of 6 Independent Members, 6 Parish/Town Council Members and 12 County Council Members, as follows:

Joe Armstrong

Joe has represented the Esh Electoral Division on Durham County Council for almost 10 years.

Allan Bainbridge

Allan was elected to the County Council in 2008 and represents the Chester-le-Street South Electoral Division.

Eddie Bell

Eddie was elected to the County Council in 2008 and represents the Deneside Electoral Division. Eddie was also a Councillor on the former Easington District Council.

Colin Carr

Colin was elected to the County Council in 2006 and is a former Chartered Wastes Manager. Colin was also Councillor on the former Chester-le-Street District Council.

Pauline Charlton

Pauline is a former teacher and was elected to Durham County Council in 2008. She served as a Councillor on the former Teesdale District Council and was Clerk to Cockfield Parish Council for a number of years.

David Farry

David was elected to the County Council in 2008 and was a Councillor on the former Sedgfield Borough Council.

Grenville Holland

Grenville was elected to the County Council in 2008 and was a Councillor on the former Durham City Council. He represents the Nevilles Cross Electoral Division on the County

Patricia Jopling

Patricia was elected to the County Council in 2008 and is a self-employed caterer. She is involved with a number of outside bodies within her area.

John Shiell

John was elected to the County Council in 2008 and represents the Chester-le-Street North and East Division. He was previously a member of Chester-le-Street District Council, having been elected in 2007.

Dennis Southwell

Dennis was elected to the County Council in 2005 and was a Cabinet member on the former Durham City Council. Dennis also serves on Belmont Parish Council and Durham Police Authority.

Watts Stelling

Watts has represented the Leadgate and Medomsley Electoral Division on the Council since 2001 and was also a Councillor on the former Derwentside District Council. He has been a member of the Standards Committee since 2001.

Mac Williams

Mac was elected to the County Council in 2006 and represents the Durham South Electoral Division and is currently the Chairman of Durham County Council.

Independent Members

Brian Argyle

Brian was a former managing director of his own company.

David Balls

David has been a magistrate for 21 years. He is also actively involved as an Education Appeals Panel member for the Local Authority.

Denny Balmer

Denny is a former senior civil servant and a serving Justice of the Peace. She also serves as a non-executive director of a Citizens Advice Bureau.

Tina Naples

Tina is a retired civil servant.

Lawrence Petterson

Lawrence is a qualified solicitor.

Dorothy Winter

Dorothy is a Human Resources Business Partner with the Land Registry and chairs the Council's Standards Committee. Dorothy became a magistrate in 1984.

She is an employment tribunal member (employer representative) and a chartered fellow of the Chartered Institute of Personnel and Development (Fellow of Institute of Leadership and Management).

Parish and Town Council Representatives

Terry Batson

Terry is a consultant Arborist, ex Local Government Officer and former Managing Director.

James Day

James is an ex-army warrant officer and is currently vice-chairman of Tow Law Town Council.

Frances Duggan

Frances plays an active role in a number of groups relating to health. He has been a member on the judging panel for Newcastle Strategic Health Authority for a number of years.

Marina Goyns

Marina was involved in retail management and is now retired.

Doreen Liversidge

Doreen is a retired Police officer and she is a member on her local parish council.

John Marr

John was a former technician/fitter and has been a Town Councillor on Spennymoor Town Council since 1989.

Role of the Standards Committee

6. The Standards Committee have a common interest in that we believe in principled local politics and part of our role being to champion and promote high standards of conduct amongst our local politicians.
7. Article 9 of the Constitution of Durham County Council provides for the Authority's Standards Committee as follows:

Standards Committee

The Council meeting will establish a Standards Committee.

Composition

The Standards Committee will be composed of 12 councillors (who may not include the Leader or more than one Cabinet member) 6 persons who are not councillors or officers of the Council or any other body having a Standards Committee (the independent members) and 6 members of parish or town councils within the County. The independent members and parish and town council members will be entitled to vote at meetings. An independent member will chair the Committee.

Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors, independent members and co-opted members;
- (b) assisting the councillors, independent members, co-opted members and parish and town council members to observe the Members' Code of Conduct and where appropriate the Planning Code of Practice;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code;
- (d) monitoring the operation of the Members' Code of Conduct and Planning Code;
- (e) advising, training or arranging to train councillors, independent members, co-opted members and parish and town council members on matters relating to the Members' Code of Conduct and Planning Code;
- (f) granting dispensations to councillors, independent members, co-opted members and parish and town council members from requirements relating to interests set out in the Members' Code of Conduct and Planning Code;
- (g) the exercise of any functions under regulations made under section 54(4) of the Local Government Act 2000;
- (h) the assessment, investigation and determination of allegations of misconduct on the part of Members;

- (i) dealing with any alleged breach by a Member of a council protocol, in accordance with procedures approved by the Committee;
- (j) overview of probity aspects of internal and external audit;
- (k) overview of the Officers' Code of Conduct;
- (l) overview of the Protocol on Member/Officer Relations;
- (m) overview of the Council's Confidential Reporting Code;
- (n) overview of complaints handling and Ombudsman investigations;
- (o) power to make payments or provide other benefits in cases of maladministration etc.;
- (p) power to grant exemptions on the political restriction of officer posts;
- (q) the exercise of (a) – (h) in relation to parish and town council members.

Parish and Town Council Sub-Committee

The Standards Committee will appoint a sub-committee comprising 3 councillors, 3 parish/town council members and 3 independent members. The remit of the sub-committee will be to support parish and town councillors and their clerks in maintaining high standards of conduct, whether through training or otherwise, and for this purpose to maintain close links with the County Durham Association of Local Councils.

The Work of the Committee During 2009/10 - Complaints to the Standards Committee

8. Members will recall that from 8 May 2008 the responsibility for the consideration of complaints that a councillor may have breached the Code of Conduct was delegated to the Standards Committees of Local Authorities and as such this Standards Committee became responsible for handling all complaints made against members of Durham County Council and the members of the 104 Parish and Town Councils throughout County Durham.
9. As such there are number of Sub Committees of the Standards Committee, as follows:

Assessment Sub Committee – considers complaints for initial assessment against the Assessment Criteria (appendix 1) in order to determine whether there is a potential breach of the Code of Conduct;

Review Sub Committee – considers requests by complainants to review the initial decision of the Assessment Sub Committee where a decision of No Further Action has been delivered.

Standards Committee Hearing Panel – following a decision of an Assessment / Review Sub Committee to refer the complaint to the Monitoring Officer for further investigation, the Hearing Panel will convene when the Investigating Officer, upon completion of an investigation, concludes that there has been a breach of the Code of Conduct.

10. During 2009/2010 there have been 13 Assessment / Review Sub Committee Meetings which in total have dealt with 48 complaints. 16 of these complaints have been against County Councillors, 21 against Parish Councillors, 7 against Town Councillors and 4 against former District Councillors.
11. Of these complaints, 17 were considered by a Review Sub Committee following request by the complainants.
12. There has been at least 1 Assessment/Review/Hearing Sub Committee meeting per month between 1 June 2009 and 31 March 2010.
13. The Standards Committee Hearing Panel has convened once during the period. It upheld the findings of the Investigating Officer and as such imposed sanctions on the Councillors against whom the complaints had been made. The Councillors found to have breached the Code of Conduct were Parish Councillors.

Work of the Standards Committee during 2009/10 – plenary meetings

14. During the period the Committee have met in plenary session on 4 occasions. It is commonplace for the members of the Committee to receive quarterly update reports on the current status of all live complaints and complaints which have recently been closed as dealt with since the previous session.
15. In conjunction with bullet (f) of Article 9 of the Constitution of Durham County Council, the Standards Committee has considered 1 request for granting dispensations to parish and town council members from requirements relating to interests set out in the Members' Code of Conduct and Planning Code. The request for dispensation was successfully granted by the Committee.
16. In conjunction with bullet (n) of Article 9 of the Constitution of Durham County Council, the Standards Committee receives a Complaints, Compliments, Comments and Suggestions report at each plenary session, allowing the Committee to oversee the Council's complaints handling arrangements and performance throughout the Authority. These reports provide basic statistics, results against corporate performance targets, any relevant trends and details of levels of satisfaction. Individual Services provide detailed data regarding the nature of complaints received, any necessary action taken including preventative measures against reoccurrence and how the intelligence gained from complaints is used in future service planning and delivery.
17. In 2009/10 the Council received a total of 1088 complaints. This compared with 288 during 2008/09, 251 during 2007/08, 289 during 2006/07 and 299 during 2005/06 however it must be noted that no comparison can be made against the totals from previous years as there have been significant changes in the Councils Structure and the delivery of its services.

18. Over half of all complaints (57.5%) received for the period 2009/10 relate to Neighbourhood Services. Data shows an increasing trend within this Service Grouping however, the data shows that this is attributable to the extremely poor winter weather causing an increase in complaints in relation to both service delivery (for example the disruption to the refuse collection service) and also to the condition of the footways and highways as a result of the damage caused by the prolonged winter weather. As mentioned previously no comparison can be made against previous year's data due to changes in the Councils Structure and the Services being delivered.

Local Government Ombudsman

19. The Local Government Ombudsman is a Government established independent service which investigates complaints about a wealth of council matters.
20. A breakdown of Local Government Ombudsman business for the previous quarter is reported to each plenary session of the Standards Committee.
21. On an annual basis the Ombudsman undertakes a health check (now in its eighth year) on each relevant authority and produces an Annual Review letter which provides complaint based information aimed at assisting Councils to assess and review their performance. For information a copy of the recent Local Government Ombudsman Annual Review Letter is attached at appendix 2.

Training, Development and Publicity

22. Members of the Standards Committee have received several training sessions throughout 2009/2010. At the beginning of the period Members were invited to a session which was delivered by the Monitoring Officer and Deputy Monitoring Officer and reinforced the roles and responsibilities of the attendees as members of the Standards Committee. At that time all members of the Committee were provided with a Handbook which was produced in house and contains a plethora of relevant information and guidance to assist members with the discharge of their duties.
23. Furthermore following the Annual Assembly of Standards Committee which was attended by myself, the Monitoring Officer and the Democratic Services Manager, a training and update session was delivered to members of the Standards Committee. This session included workshop activities which had been delivered at the Annual Assembly and the viewing of a DVD produced by the Standards Board For England which was designed to help Standards Committee members and local authority officers involved in the assessment of complaints.
24. In November 2009 the Standards Committee facilitated several area based training and development sessions, to which delegates from all of the County's Parish and Town Councils were invited. Attendees received presentations from myself as Chair of the Committee, the Monitoring Officer, Deputy Monitoring Officer and Democratic Services Manager on a range of topics including the Standards Committee Complaints Procedures and a refresher presentation on the Code of Conduct.

25. In terms of publicity, a number of measures have been taken to communicate to the role of the Standards Committee to the wider general public. The April edition of Durham County News featured an article entitled Setting The Standards, which publicised the roles, aims and objectives of the Standards Committee as well as providing details of the Standards Committee website.
26. The website has been reviewed and has been refreshed to include improved information about the members of the Committee and the work they undertake as well as more detailed information regarding the complaints process.

Moving Forward

27. The Standards Committee is continually dedicated to its responsibility to champion and promote high standards of conduct amongst the County's local politicians. As such during the year 2010/11 so far the Standards Committee has adopted and implemented a Standards Committee Development Strategy, which sets out exactly how it will continue as a Committee to build and maintain the ethical framework of the authority. Accompanying the many commitments which are made within the Development Strategy is an Action Plan which details key performance indicators and targets that will support and aid to monitor the effectiveness of the strategy. For information a copy of the Development Strategy is attached at appendix 3.
28. In terms of training the Committee has already hosted an extremely successful event for the County's Parish and Town Councils during 2010/11. It is hoped that further training and awareness raising activities will continue throughout the year, all of which will be reported in the 2010/11 Annual Report.

Standards Board for England

29. The Local Government Act 2000 established a Standards Board for England, the purpose of which was to ensure an independent process for investigating instances of unethical conduct by local authority Members, including allegations of breaches of the Code of Conduct.
30. From May 2008 the responsibility for handling the assessment of complaints was transferred from the Standards Board for England to local Standards Committees. The Standards Board (now Standards for England) continues to independently oversee the locally based system of complaints and its ongoing responsibilities includes the provision of guidance and support to local standards committees, monitoring the performance of how local authorities manage the local assessment of complaints and investigating the more serious cases that a local authority may be unable to handle.
31. However earlier this year the new coalition government announced its intention to abolish the Standards for England regime. The impact of this on local authorities is so far unknown, however this Standards Committee is confident in its ability to continue to provide a robust, open and transparent system of handling Code of Conduct complaints.

Conclusion

32. This is now the sixth Annual Report which the Committee has presented to the Council for consideration and the second which I have had the personal privilege to present as Chair of the Standards Committee.
33. I concluded last years Annual Report by stating that I was extremely keen to ensure that the Standards Committee would continue to promote the principles and values of good governance within the Council. I sincerely hope that this report demonstrates that the work undertaken by the Standards Committee during 2009/10 has honoured that pledge and that the planned work to be conducted during the current year will again reinforce that aim.

Recommendation

34. Members views on the content of this report both now and in the future would be most welcome.

Contact: Jocasta Lawton Tel: 0191 383 3679
