

STANDARDS COMMITTEE

Thursday,
30 October 2008
1.00 p.m.

Conference Room 1,
Council Offices,
Spennymoor

AGENDA and REPORTS



This document is also available in other languages, large print and audio format upon request

العربية (Arabic)

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

বাংলা (Bengali)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

(中文 (繁體字)) (Cantonese)

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

हिन्दी (Hindi)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

polski (Polish)

Jeżeli chciałby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਪੰਜਾਬੀ (Punjabi)

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Español (Spanish)

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

اردو (Urdu)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

AGENDA

1. **APOLOGIES**
2. **MINUTES**

To confirm as a correct record the Minutes of the meeting held on 3rd July 2008.
(Pages 1 - 4)
3. **NEW MEMBERS**

To welcome the two new members to the Standards Committee:

 - Councillor D. Waters – Parish Member
 - Councillor Ms. I. Jackson – Sedgefield Borough Council Member
4. **AN ANALYSIS OF THE CURRENT TRENDS IN ALLEGATIONS OF MISCONDUCT AT NATIONAL AND LOCAL LEVEL 2007/08**

To consider the attached report prepared by the Solicitor to the Council and Monitoring Officer. (Pages 5 - 10)
5. **STANDARDS BOARD FOR ENGLAND - ANNUAL REVIEW 2007/08**

To consider the attached report prepared by the Solicitor to the Council and Monitoring Officer. (Pages 11 - 16)
6. **STANDARDS BOARD FOR ENGLAND - QUARTERLY STATISTICS - QUARTER 1**

To consider the attached report prepared by the Solicitor to the Council and Monitoring Officer. (Pages 17 - 20)
7. **LOCAL ASSESSMENT OF COMPLAINTS - UPDATE**

To consider the attached report prepared by the Solicitor to the Council and Monitoring Officer. (Pages 21 - 24)
8. **PUBLICATION OF DECISIONS OF ASSESSMENT SUB-COMMITTEE**

The Monitoring Officer to give an oral report on the above.
9. **DATE OF NEXT MEETING**

Thursday 5th February 2008 at 1.00 p.m.
10. **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

Members are respectfully requested to give the Chief Executive notice of items they would wish to raise under the heading not later than 12 noon on the day preceding the meeting, in order that consultation may take place with the Chairman who will determine whether the item will be accepted.

BACKGROUND DOCUMENTS

Monitoring Officer's advice issued:

MO Series – update:

MO:

MO/110 Bulletin Nos. 39 and 40

MO/SBC: None

MO/SBC/CONS: None

B. Allen
Chief Executive

Council Offices
SPENNYMOOR

Councillor L. Petterson (Chairman)
Councillors A. Gray, T. Hogan, Mrs. L. Hovvels, Ms. I. Jackson and Mrs. E. Maddison

Councillor J. Marr (Spennymoor Town Council)
Councillor R. S. Fleming (Great Aycliffe Town Council)
Councillor D. Waters (Sedgefield Town Council)
Mr. I. Jamieson (Independent Member)
Mr. B. Argyle (Independent Member)

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact
Miss J. Stubbs, Tel 01388 816166 Ext 4508, juliestubbs@sedgefield.gov.uk

Item 2

SEDGEFIELD BOROUGH COUNCIL

STANDARDS COMMITTEE

Conference Room 1,
Council Offices,
Spennymoor

Thursday,
3 July 2008

Time: 1.00 p.m.

Present: Councillor L. Petterson (Chairman) and
Councillor A. Gray

Parish/Town Council member
Councillor R.S. Fleming

Independent Member
Mr. B. Argyle

Apologies: Councillors T. Hogan, Mrs. L. Hovvells and Mrs. E. Maddison
Councillor J. Marr (Parish/Town Council Member)
Mr. I. Jamieson (Independent Member)

ST.1/08

MINUTES

The Minutes of the meeting held on 7th February 2008 were confirmed as a correct record and signed by the Chairman.

ST.2/08

NEW MEMBERS

Mr. Petterson welcomed the two new Members to the Standards Committee: Mr. Brian Argyle – Co-opted Independent Member and Councillor RS. Fleming – Parish Member. He thanked them both for attending.

ST.3/08

THE ROLE AND MAKE UP OF STANDARDS COMMITTEE GUIDANCE

Consideration was given to a report of the Solicitor to the Council regarding the above. (For copy see file of Minutes).

The report set out the role and make-up of the Standards Committee based upon guidance issued under the Standards Committee (England) Regulations 2008.

Members were informed that since May 2008 Standards Committees have had the responsibility for conducting initial assessments to decide which complaints to investigate. This new responsibility had resulted in changes to the structure of the Committee. These changes included the requirement to have two appointed Parish or Town Council representatives and at least 25% of the Committee membership as Independent Members.

Attention was drawn to Section 3.7 of the report which covered the appointment of Sub-Committees to assess new complaints and review decisions to take no action on a complaint.

AGREED : That the report be noted.

ST.4/08

THE IMPLEMENTATION OF THE LOCAL ASSESSMENT OF COMPLAINTS REGARDING MEMBERS' CONDUCT AND CHANGES TO THE STANDARDS COMMITTEE EFFECTIVE FROM THE 8TH MAY 2008

Consideration was given to a report of the Solicitor to the Council regarding legislation that had come into force and the methods of dealing with complaints. (For copy see file of Minutes).

It was reported that the Local Government and Public Involvement in Health Act 2007 had received Royal Assent on 30th October 2007. As a result of this legislation the three distinct roles for Standards Committees in relation to complaints about Member conduct were :

- Receiving and assessing complaints
- Reviewing local assessment decisions
- Conducting hearings following an investigation into a complaint.

Members were informed that helpful information and guidance had been published on the Standards Board website.

It was reported that for the purpose of Sub-Committees, the Standards Committee would be used as a "Member pool" and that the Monitoring Officer would appoint Sub-Committee Members as and when required from that pool to constitute relevant Sub-Committees. This would allow for the identification of cases where there may be interest.

D. Rackstraw, the Principal Assistant Solicitor, then asked Members for guidance on how many complaints should be considered by each meeting of the Sub-Committee.

- AGREED :*
1. *That the report be noted.*
 2. *That no more than three complaints would be considered at each meeting of the Standards Sub-Committee.*

ST.5/08

SATISFACTION WITH THE STANDARDS BOARD FOR ENGLAND AND ATTITUDES TO THE ETHICAL ENVIRONMENT: QUALITATIVE INVESTIGATION FOLLOWING QUANTITATIVE SURVEY

Consideration was given to a report of the Solicitor to the Council regarding satisfaction with the Standards Board for England and attitude to the ethical environment. (For copy see file of Minutes).

The report summarised the results of qualitative research by the Standards Board for England. Six standard focus groups and one on-line focus group had been held countrywide, which captured the views of Monitoring Officers, Standards Committee Chairs and Members, Councillors and Parish Councillors.

AGREED : *That the report be received and noted.*

ST.6/08

DATE OF NEXT MEETING

Thursday 30th October, 2008 at 1.00 p.m.

ST.7/08

COMPLAINTS

D. Rackstraw informed Members that details of how people could make a complaint, the complaint form and protocol had been posted on the Council website.

A query was raised concerning the reporting of Sub-Committee deliberations on the website. It was unclear as to whether all complaints assessments would be reported, or only those where investigations had taken place. D. Rackstraw agreed to check and report back to the next meeting.

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Miss. J. Stubbs, Tel 01388 816166 Ext 4508, juliestubbs@sedgefield.gov.uk

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Item 4

REPORT TO STANDARDS COMMITTEE

30TH OCTOBER 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

AN ANALYSIS OF THE CURRENT TRENDS IN ALLEGATIONS OF MISCONDUCT AT NATIONAL AND LOCAL LEVEL – 1ST APRIL 2007 – 31ST MARCH 2008

1. SUMMARY

- 1.1 This report analyses the current trends in allegations of misconduct, submitted to the Standards Board relating to misconduct by elected, co-opted and independent members of local authorities for the period 1st April 2007 to 31st March 2008.
- 1.2 The detail of this report specifies a range of areas that are to be considered in order to establish national trend patterns.
- 1.3 The areas comprise of the number and source of allegations submitted for investigation, the type of authority whom the investigation concerns, the nature of the investigation and the final findings.
- 1.4 Focus is also placed upon complaints of misconduct that have arisen at a local level. Local trends will be determined from the nature of the allegation, the type of authority involved, the outcome of the investigation and the outcome of the decisions that have been challenged. Comment will be made upon implications for the Council in terms of its own Code of Conduct and governance.

2. RECOMMENDATIONS

- 2.1 To note the general trends in complaints of misconduct investigated at a national and local level.
- 2.2 That the Standards Committee be appraised of the report.

3. DETAIL

PART A – National Trends

- 3.1 The Standards Board for England publishes a monthly statistical digest, offering a breakdown of yearly and monthly statistics. The following statistics cover the period from April 2007 through to March 2008.
- 3.2 **Number of allegations:** Since April 2007 the Standards Board received 3624 complaints in total compared to 3549 during the same period in 2006/2007.
- 3.3 The number of complaints averages approximately 300 a month.

- 3.4 When making comparisons to statistics from previous years, it is interesting to note that the general trend indicates that the total number of complaints each year increases, although in 2005/06 complaints did slightly decrease.
- 3.5 **Source of allegations:** The source of allegations submitted to the Standards Board for investigation varies. The Board has highlighted the common sources from which they receive complaints, indicating that members of the public and fellow councillors still remain the prevalent sources.
- 3.6 More than half of the allegations (67%) received by the Standards Board were from aggrieved members of the public.
- 3.7 The allegations submitted by fellow Councillors have been recorded at 27%.
- 3.8 **Type of Authority (Investigations):** The Standards Board received complaints of misconduct from several different types of authority. Types of authority identified were, County Councils, District Councils, London and Metropolitan Borough Councils, Parish/Town Councils and Unitary Councils. Interestingly, the majority of investigations conducted by the Standards Board still involved Members of Parish/Town Councils.
- 3.9 **Nature of Investigations:** The areas of misconduct, reported nationally comprised of prejudicial interests, which made up 25% of the complaints, using position to confer or secure an advantage or disadvantage (12%), failure to disclose a personal interest (11%), bringing authority into disrepute (11%) and failure to treat others with respect (11%).
- 3.10 Comparing previous years statistics, the general trend pattern indicates that the two main areas of misconduct on a national scale are prejudicial interests and bringing the authority into disrepute, however, bringing the authority into disrepute is usually linked with other breaches of the Code of Conduct, rarely is it the sole breach.
- 3.11 In 2007/08 prejudicial interests was the area of misconduct identified by the Standards Board to frequently receive the highest number of complaints, 25% of allegations fell into this category.
- 3.12 The Standards Board recognises the view expressed by some that only misconduct which relates to official duties should be regarded as capable of bringing the authority into disrepute. However, in line with the majority of views received during a consultation exercise, the Standards Board believe that the Code of Conduct should continue to cover certain behaviour outside of official duties, but should be limited to unlawful conduct. The Standards Board therefore proposes that the provision relating to disrepute in the original Code is clarified, so that only unlawful activities such as criminal or cautionable offences committed outside of a Member's official duties are subject to the Code. Civil matters or merely objectionable conduct in private will not be covered.
- 3.13 **Final Findings:** The Standards Board issues statistics for the outcome of their completed cases. Interestingly, in 33% of cases no breach of the Code was evident and in 58% of cases no further action was taken.

- 3.14 **Local Investigation Statistics:** These statistics are based on the financial year 2007/08. The Standards Board received a total of 530 reports, of which Ethical Standards Officers referred 291 cases for local investigation, which is equivalent to 55% of all cases referred for investigation.
- 3.15 Since 1st April 2007 there have been 8 appeals to the Adjudication Panel for England following Standards Committee Hearings.
- 3.16 Monitoring Officers, following local investigations, recommended that 423 cases resulted in a breach of the Code of Conduct, which is an increase on the previous year.
- 3.17 Findings from the Standards Committee determinations following investigations –
- 104 – no sanction
 - 102 – training
 - 100 – censure
 - 57 – apology
 - 2 – two week suspension
 - 21 – one month suspension
 - 7 – six week suspension
 - 16 – two month suspension
 - 20 – three month suspension

4. PART B – LOCAL TRENDS

- 4.1 In the period 1st April 2007 to 31st March 2008, 14 complainants submitted allegations of misconduct to the Standards Board against several local Councillors. However, some of these involved multiple allegations. It is important to recognise that no adverse implications should be inferred from the fact merely that allegations have been made.
- 4.2 The first complaint alleged that a Town Councillor failed to declare her position as a Councillor with an outside body. The Standards Board regulates the ethical dimension of councillor conduct rather than the validity of the judgements or decisions they make. The Standards Board took the view that a potential breach of the Code of Conduct was not disclosed and that the allegation should not be referred to an Ethical Standards Officer for investigation.
- 4.3 The second complaint concerned a Town Councillor relating to the publication of a letter in his local paper allegedly containing highly contentious issues. The Standards Board acknowledged that members were entitled to publicly express their views; and that they did not have jurisdiction to consider the accuracy of information that members may place in the public domain. The Standards Board took the view that no breach of the Code was disclosed and the matter would not be referred to an Ethical Standards Officer.

- 4.4 The third complaint concerned a Borough Councillor relating to the publication of an article in his local paper allegedly containing misleading statements. The Standards Board acknowledged that members were entitled to publicly express their views; and that they did not have jurisdiction to consider the accuracy of information that members may place in the public domain. The Standards Board took the view that no breach of the Code was disclosed and the matter would not be referred to an Ethical Standards Officer.
- 4.5 The fourth complaint related to a Borough Councillor making allegations against another Borough Councillor. The Standards Board conducted an assessment of the case and took the view that no potential breach of the Code of Conduct was disclosed and the matter would not be referred to an Ethical Standards Officer.
- 4.6 The fifth complaint related to a Borough Councillor making allegations against another Borough Councillor. The Standards Board conducted an assessment of the case and took the view that no potential breach of the Code of Conduct was disclosed and the matter would not be referred to an Ethical Standards Officer.
- 4.7 The sixth complaint was against three Town Councillors and their disrespectful conduct and unacceptable behaviour towards another member. The Standards Board took the view that there was insufficient evidence to make a decision as to whether the complaint should be referred for investigation.
- 4.8 The alleged misconduct by a Borough Councillor in the seventh case related to publication of a letter in a local paper which contained defamatory statements towards another member. After assessment, the Standards Board decided not to refer the complaint for investigation.
- 4.9 The eighth complaint concerned the alleged conduct of a Borough Councillor at a meeting as being unprofessional and inappropriate. After assessment, the Standards Board took the view that as the Councillor was acting in a private capacity no potential breach of the Code of Conduct was disclosed and that the matter would not be referred to an Ethical Standards Officer for investigation.
- 4.10 The ninth complaint was against two Councillors who were involved in alleged breach of copyright. After assessment, the Standards Board took the view that as the Councillors were not acting in their official capacities no potential breach of the Code of Conduct was disclosed and that the matter would not be referred to an Ethical Standards Officer for investigation.
- 4.11 The tenth complaint concerned the alleged misconduct of a Councillor relating to the publication of a letter in his local paper which contained false statements. After assessment, the Standards Board decided not to refer the complaint to an Ethical Standards Officer for investigation.
- 4.12 The eleventh complaint concerned the alleged misconduct of a Councillor in connection with a planning application. After assessment, the Standards Board decided to refer the complaint to an Ethical Standards Officer for

investigation. An investigation was carried out and it was concluded that “no action” be taken in respect of the matters which were the subject of this investigation.

- 4.13 The twelfth report concerned alleged disrespectful conduct to members of the public and failure to declare interests at meetings by a Parish Councillor. After assessment the Standards Board decided not to refer the complaint to an Ethical Standards Officer for investigation.
- 4.14 The thirteenth report concerned the alleged misconduct of a Borough Councillor in abusive and threatening behaviour. After assessment the Standards Board decided not to refer the complaint to an Ethical Standards Officer for investigation.
- 4.15 The fourteenth report concerned the alleged misconduct of a Borough Councillor in bullying and harassing behaviour. After assessment the Standards Board decided not to refer the complaint to an Ethical Standards Officer for investigation.
- 4.16 The emerging trend pattern shown by these cases is that from the fourteen cases submitted to the Standards Board, only one case has been referred to an Ethical Standards Officer for investigation. The Standards Board’s determination was that the alleged misconducts were not sufficiently serious to amount to a breach or occurred outside of the members’ official capacity. Hence, in order to prevent misconduct and reduce submissions of complaints, implications for the Council may include further training for members on the Code of Conduct and examples of situations whereby a breach of the Code is likely to occur.

5. RESOURCE IMPLICATIONS

- 5.1 No specific financial implications have been identified.

6. CONSULTATIONS

- 6.1 The Standards Committee are consulted on this report and their views will be taken into consideration.

7. OTHER MATERIAL CONSIDERATIONS

- 7.1 All material considerations have been taken into account in the contents of this Report. In particular, risks may arise unless Members of the Council are fully appraised on standards matters.

8. OVERVIEW AND SCRUTINY IMPLICATIONS

- 8.1 None apply.

9. LIST OF APPENDICES

- 9.1 None apply.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers
The Standards Board for England
 Bulletin 38, April 2008

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

Item 5

REPORT TO STANDARDS COMMITTEE

30TH OCTOBER 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

STANDARDS BOARD ANNUAL REVIEW – 2007/2008

1. SUMMARY

- 1.1 The theme of the 2007/08 Annual Review is “Local Delivery, National Support”. It outlines the changing role of the Standards Board, the new responsibilities of local authorities and the considerable work the Standards Board have undertaken in the past year to allow this new system to be realised.
- 1.2 The local framework is now in place. Local Authorities are now responsible for placing ethical standards at their heart, tasked with both implementing the Code of Conduct and dealing with local complaints. The Standards Board has played a significant role in the introduction of this new, more responsive system.
- 1.3 It is a period of real change. The Standards Board has now become a strategic organisation, charged with ensuring the effectiveness of the local framework and for setting the standards agenda nationally.

2. RECOMMENDATIONS

- 2.1 That Standards Committee be appraised of the report.

3. DETAIL

Local Framework

- 3.1 The Standards Board have been working intensively in 2007/08 towards the introduction of the new framework. They have created, ran and analysed a series of pilot studies which were designed to show what the new system could be like in practice. The findings have played a vital role in the final design of the framework that is now in place.
- 3.2 Monitoring Officers had been asked for their recommendations for making local assessment work in their authorities. The results showed that:
 - Almost half would increase the frequency of Standards Committee meetings.
 - 40% would consider increasing the size of their Standards Committee.
 - 33% identified the need to have more independent members.

- 3.3 Local assessment brings two key benefits - firstly it gives greater power to local authorities to uphold and promote ethical standards among their own members. Secondly, it allows the Standards Board to concentrate on ensuring the local framework is a success, by helping and supporting local authorities and by taking the independent, national overview so important for maintaining public confidence. The Standards Board will continue to investigate the minority of cases which cannot be investigated locally.
- 3.4 The Standards Board produced a comprehensive range of guidance materials around the launch of the new local framework. The guidance focused on four key areas:
- Local assessment and how it would work.
 - The role and make-up of Standards Committees.
 - Local investigations.
 - Local determinations.

Clear Lines of Communication

- 3.5 The revised Code of Conduct was implemented on 3rd May 2007 and had to be adopted by every local authority by 1st October 2007. The Standards Board believed the Code was now better suited to the needs of local government. It was clearer and simpler to understand, gave greater scope for members to speak as community advocates and act on behalf of the people who elected them. The Code of Conduct is the single most important document relating to ethical conduct for members.
- 3.6 From research studies carried out, Monitoring Officers were very satisfied with communications with the Standards Board, and some felt that the standard and clarity of Standards Board publications had improved in recent years.

Spreading the Word

- 3.7 Over the year the Standards Board have worked with a large number of organisations and individuals - including Annual Assembly, party political conferences and the Local Government Association Annual Conference and Exhibition 2007. They have also engaged a number of partnerships designed to develop a greater understanding of the ethical agenda.
- 3.8 The Annual Assembly of the Standards Committee is the largest event organised by the Standards Board. Last year's event was the sixth conference to be held - "*Down to Detail: Making Local Regulation Work*". It was held in October 2007, at the International Convention Centre in Birmingham, and proved to be a great success, with 97% of delegates saying they were satisfied with the event.
- 3.9 In July 2007 the Standards Board attended the Local Government Association Annual Conference and Exhibition. Board members and the Chief Executive and staff were on hand to:

- Share advice and experience on implementing the changes to the Code of Conduct
- Listen first-hand to feedback, concerns and queries
- Keep delegates informed on the latest news
- Offer support from policy teams

3.10 The Standards Board also had exhibitions at the three major political party conferences in 2007 -

- Liberal Democrats in Brighton
- Labour in Bournemouth
- Conservatives in Blackpool

It gave the Standards Board the opportunity to take their message directly to those in government and local authority members. They also ran a workshop at the Labour Local Government Conference and addressed the full Conference at the Conservative equivalent.

Working in Partnership

3.11 The Standards Board had engaged in a number of partnerships over the last 12 months -

- working with the Audit Commission to ensure standards issues are incorporated into comprehensive area assessments and to look at issues such as proportionate regulation and information sharing.
- working with the Planning Advisory Service (PAS) to ensure its guidance is consistent with the Code
- chairing the Joint Working Steering Committee which meets twice a year. The Committee brings together senior officers from those organisations with an interest in the development of good ethical environments and improved public confidence in local democracy.
- working with some partners in planning for the implementation of a Parish Council Capacity Building Bid. The bid has two strands. The first is a compact, which will see County Associations working with Standards Committees and Monitoring Officers. The National Association of Local Councils (NALC) will lead this programme, which is expected to run from June to December 2008. The Improvement and Development Agency (IDeA) will lead the second strand - a peer mentoring programme. Here, mentors in principal authorities and towns and parishes will work with Parish and Town Councillors in supporting and strengthening leadership. This will run from September to November 2008.

3.12 One of the Standards Board's most interesting partnerships has been on the subject of partnerships themselves, working with the Improvement and Development Agency for local government (IDeA). The Standards Board looked at the extent to which partnerships work along ethical lines. Partnerships are an invaluable way of working, bringing together people and

skills that often create new ways of working - and solutions that might not have been previously thought of. They do, of course, need to be implemented and managed ethically, and the Standards Board is keen to promote appropriate behaviours and real accountability in all partnerships entered into by local authorities.

The Year Ahead

- 3.13 It is a year of fundamental change. If the public are to have true confidence in their elected representatives then we need to do all we can to uphold the highest standards of ethical behaviour. The Standards Board is convinced that the greater responsibilities placed on local authorities will make this task easier, they are also convinced that the more strategic role of the Standards Board will enable them to offer greater support and advice on the ground.
- 3.14 The new framework is firmly embedded in the culture of local authorities. For the next twelve months the task now is to ensure that Standards Committees and Monitoring Officers are confident in their roles and that the system is operated efficiently at the local level. The Standards Board will offer a light touch when it comes to monitoring, and will look to highlight good practice wherever they see it. Their work now is to ensure its continued success.

Key Achievements in 2007/08

- 3.15 Some of the key achievements of the Standards Board -
- The publication of key advice on the implications of the revised Code of Conduct.
 - Ensuring 99% of monitoring officers and 90% of standards committee members knew of the changes to the new Code by its adoption date of 1st October 2007.
 - Attracting more than 1,000 members and monitoring officers to Roadshows, explaining both the new Code and the new local framework.
 - Successful Annual Assembly, with positive feedback from delegates.
 - The completion of local pilots designed to explore and shape the new local assessment framework.
 - 44% of members think that standards of behaviour have improved in recent times. This is up from 27% in 2004.
 - Two in three stakeholders now consider that our published information and guidance communicates key messages 'very or fairly well'.
 - 90% of allegations acknowledged within two working days.
 - Average time taken from receipt of allegations to notification was ten working days.
 - Completing 96% of cases referred for investigation within six months.

3.16 A survey, undertaken by BMG Research 2007, showed an overall positive picture emerging:

- Many respondents felt that the behaviour of elected members had improved to some degree since the Standards Board had been in existence.
- Some felt that the improvement had been dramatic
- Many felt that there had been a marked reduction in examples of serious and flagrant misbehaviour, such as misuse of authority resources for election campaigns and abuse of expenses.
- Most obvious, respondents felt, was a more respectful use of language during meetings, less bullying behaviour and prejudicial interests now being disclosed routinely at meetings.
- Most gave the reason for the perceived improvement in member behaviour to the existence of the Code of Conduct and higher levels of awareness of the rules of behaviour.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 The Council's Standards Committee to be appraised of this report.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 None apply.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A
Key Decision Validation: N/A

Background Papers

Standards Board Annual Review – “Local Delivery, National Support”

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

Item 6

REPORT TO STANDARDS COMMITTEE

30TH OCTOBER 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

STANDARDS BOARD FOR ENGLAND - LOCAL ASSESSMENT OF COMPLAINTS - QUARTERLY STATISTICS - QUARTER 1

1. SUMMARY

- 1.1 This Report sets out the quarterly statistics which the Standards Board for England has compiled on the local assessment of complaints. This is for the period 8th May (commencement date of local assessment) to 30th June 2008 - Quarter 1.

2. RECOMMENDATIONS

- 2.1 That the Standards Committee be appraised of the report.

3. DETAIL

- 3.1 The Standards Board for England required Monitoring Officers of Local Authorities to complete a quarterly return on the number of complaints received. The first quarter ended 30th June 2008.
- 3.2 From the data submitted the Standards Board had been able to compile the following statistics.
- 3.3 **Quarterly return submissions:** of the 473 authorities required to submit a return, 464 authorities had submitted a return on time, this equates to 98% of authorities. 427 returns that had been completed did not contain any errors, which equates to 90% of all returns. Only 37 returns which had been submitted were incomplete or contained errors, which is only 8% of all returns. 9 authorities did not submit a return, this is only 2% of all authorities.
- 3.4 **Composition of Standards Committee:**

Size of Standards Committees:

- The largest Standards Committee comprised 18 members
- The smallest Standard Committee comprised of only 3 members
- The average size of a Standards Committee comprised 9 members

Independent Members:

- The highest number of independent members was 9.
- The least number of independent members was 1
- The average number of independent members was 3

Parish Representatives:

- The highest number of parish representatives was 7.
- The least number of parish representatives was 1
- The average number of parish representatives was 3

General:

- 4 authorities reported that they did not have an independent chair.
- 3 authorities reported that the Standards Committee was made up entirely of independent members.
- All authorities with parishes had parish representation on their Standards Committees.

3.5 **Source of Complaint:** Monitoring Officers had reported a total of 321 cases to the Standards Board for England. From the statistics provided the Board has indicated that members of the public and fellow councillors still remained the prevalent sources.

3.6 **Referral Decisions:** a decision about whether to refer had not been made on 153 (48%) of cases received during the quarter. A breakdown of decisions for the other 168 cases was as follows:-

Not referred	70
Referred to Monitoring Officer for investigation	65
Referred to Monitoring Officer for alternative measures	30
Referred to the Standards Board	3

3.7 **Timeliness of Decisions:** during the quarter, the average length of time a case took from date of receipt to referral decision was 14 days; 24 cases took longer than 20 days for a referral decision to be made, which equated to 7%.

3.8 A separate report will provide data upon local assessment cases at Sedgefield Borough Council.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 The Standards Committee are appraised on this report.

6. OTHER MATERIAL CONSIDERATIONS

- 6.1 All material considerations have been taken into account in the contents of this Report. In particular, risks may arise unless Members of the Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

- 7.1 None apply.

8. LIST OF APPENDICES

- 8.1 None apply.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

The Standards Board for England - Quarterly Statistics

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

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Item 7

REPORT TO STANDARDS COMMITTEE

30TH OCTOBER 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

LOCAL ASSESSMENT OF COMPLAINTS - UPDATE

1. SUMMARY

1.1 This Report is to give members an update on complaints that have been received since local assessment came into force on the 8th May 2008, and covers the period from 8th May - 20th October 2008.

2. RECOMMENDATIONS

2.1 That the Standards Committee be appraised of the report.

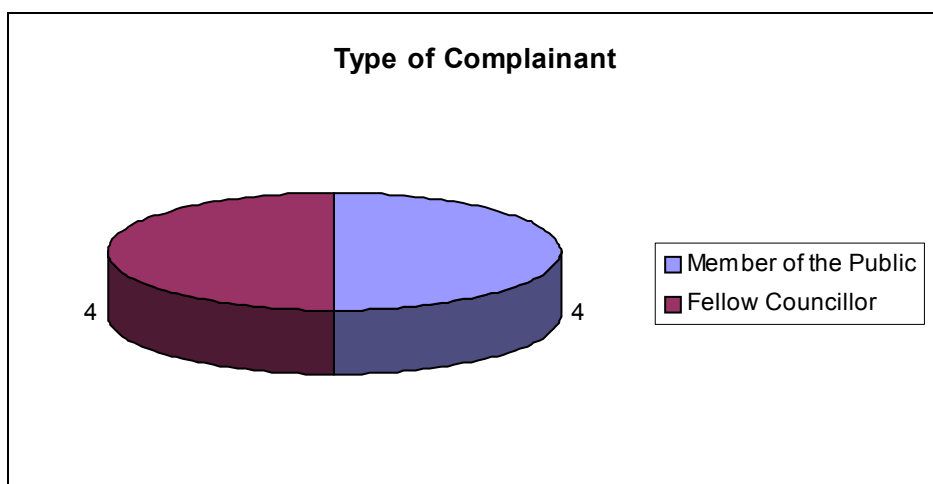
3. DETAIL

3.1 To date, the Monitoring Officer has received ten requests for complaint forms, of which eight forms have been returned. Some of these included a complaint against more than one member. All of these complaints have been determined by an Assessment Sub-Committee. A request for a review of a decision has also been made and this has been referred to a Review Sub-Committee for re-assessment.

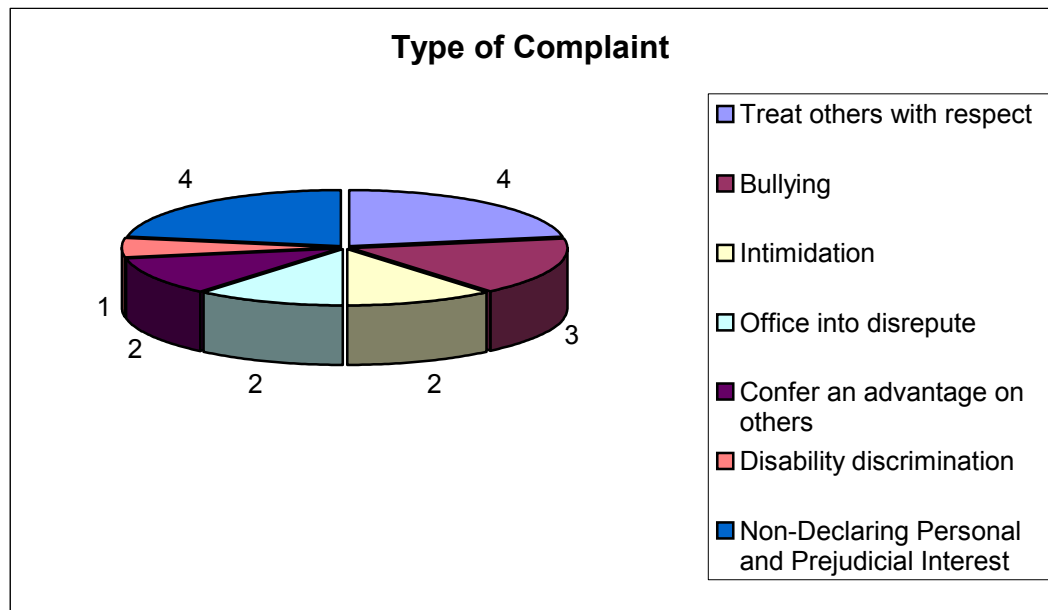
3.2 Some of the complaints include multiple allegations against a member.

3.3 For Members' information, below there is a summary of the complaints received:

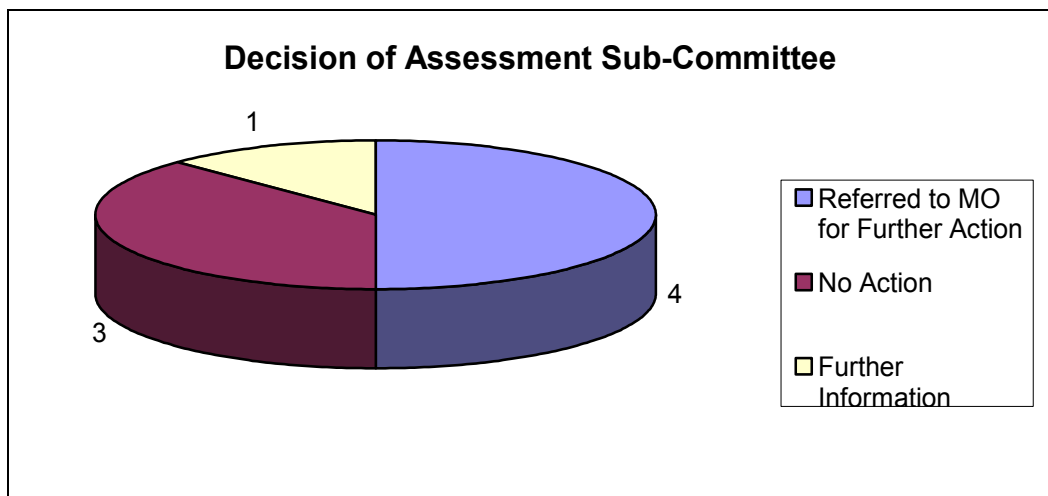
3.4 Type of Complainant



3.5 Type of Complaint



3.6 Decision of Assessment Sub-Committee



3.7 From the three decisions of “No Action”, one request for a review had been received and this is to be considered at a Review Sub-Committee to be held on 23rd October 2008.

3.8 Of the four decisions to refer to Monitoring Officer for further action two involved one to one meetings between the member and the Deputy Monitoring Officer, to give advice and guidance on the Members’ Code of Conduct, and these took place on the 17th September 2008. A conciliation meeting has yet to be convened between the Monitoring Officer and another two members.

3.9 A decision for “Further Information” was made in relation to one complaint, and the Monitoring Officer has notified the complainant of this decision.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 The Council's Standards Committee to be appraised of this Report.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless members of the Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 None apply.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

Complaint Forms

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

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