

STANDARDS COMMITTEE

DRAFT

ANNUAL REPORT ON ETHICAL
STANDARDS FOR 2009

1. Overall Position

We consider the Council has an effective and robust ethical regime in place. The recently completed ethical governance audit confirms that both members and officers hold very positive views in relation to how the Council generally deals with ethical issues.

Members are no doubt aware that the council scored 4/4 in its latest UOR assessment. In terms of the module relating to Standards work the Council scored 3 out of 4. Further work has taken place since this assessment to resolve any outstanding issues (ie improving arrangements for officers declaring and registering an interest).

Major changes have taken place in the Standards regime in recent times. In May 2008 the provisions of the Local Government and Public Involvement in Health Act 2007 came into force. As part of the preparation for this an Independent Chair of Standards Committee was appointed – this indeed was a legislative requirement. The new arrangements have resulted in all complaints about members being dealt with (at least initially) by the Council's Standards Committee. During the course of the year a number of new procedural documents dealing with how the new arrangements would work in practice have been drafted and agreed by Standards Committee. Overall it is considered that the new arrangements have been successfully introduced into this Council.

It is clearly the case that the role of Standards Committee continues to grow in importance and significance.

2. Review of Activity during the year

2.1 Committee meetings

The last 12 to 18 months have been a very busy period for Standards Committee.

Following on from the introduction of the new arrangements relating to the local assessment of complaints we agreed a whole suite of new policies governing how we will deal with complaints about members. In particular we agreed procedural documents governing the following:

1. the initial assessment of complaints;
2. criteria for assessing complaints;
3. the investigation of complaints;
4. the pre hearing process;
5. the hearing itself.

During this period we also received two updates on progress made against our action plan for improving ethical standards. It is pleasing to note that substantial progress was made against this action plan.

We have also considered a couple of government consultation papers during this period. In particular we agreed a draft response to a Government consultation paper on an amended Code of Conduct for Elected Members and a Mandatory Code of Conduct for employees.

In January 2009 a new Independent Member was appointed to Standards Committee to replace Ron Hopkins who retired. We would like to thank Ron for his sterling work over a number of years as a member of Standards Committee.

We now consist of five South Ribble Borough Council Members, three independent members and two Parish Council representatives.

2.2 Complaints about members

Since the introduction of the new local referral regime in May 2008 we have received 7 complaints about Members.

The initial assessment of complaints is dealt with by an Assessment Sub-committee. If a Sub-Committee decides that no action should be taken then a complainant has a right to call for a review of that decision. Reviews are carried out by a Review Sub-committee.

As at the date of the report there have been 7 meetings of Assessment Sub-committees. There has been one occasion when a Review Sub-committee has met.

Assessment Sub-committees decided to take no action in relation to three complaints. There was a fourth instance in which an Assessment Sub-committee chose to take no action but on review the Review Sub-committee decided that an investigation into the complaint was warranted.

Sub-committees have requested the carrying out of an investigation into a complaint on 4 occasions. Of these 4 investigations 3 are still ongoing. The investigation that has been completed resulted in the investigating officer concluding that a breach of the Code of Conduct had indeed occurred. A Consideration Sub-committee decided that this report needed to be referred for a full Hearing. On the 8th of May this hearing took place. The member was found to be in breach of the Code of Conduct – he was censured and ordered to send a written apology to the complainant.

The Standards Board has now published figures for the number of complaints about members that have been submitted to councils across the country. By way of comparison for the year 1st April 2008 to 31st March 2009 district councils on average received seven complaints about members. Hence the situation in South Ribble is in line with the national picture.

2.3 Ombudsman cases

The Commission for Local Administration in England (the Ombudsman) deals with complaints from members of the public about the Council. Ordinarily the Ombudsman will only look into a complaint if the complainant has exhausted a council's internal complaints procedure. If the Ombudsman finds that a council has dealt with a particular individual in an inappropriate way then it may make a finding of maladministration against a council. The Ombudsman may also require a council to pay compensation.

For the year ending 31st of March 2009 25 complaints were submitted to the Ombudsman. Of these 25 complaints 16 were referred to investigation. The other 9 complaints were either considered premature (ie the Council had not been given the

opportunity to investigate them) or were not pursued. Of the 16 cases that were referred for investigation 12 of these complaints have been disposed of during the period with no findings of maladministration against the Council. The other four complaints are still in the process of being dealt with.

Of the 16 complaints investigated the majority (9) relate to the work of the planning service. In terms of the other complaints 2 related to building control and 2 related to Council Tax Benefit. The other complaints related to waste management, public transport and parking.

In addition to the complaints referred to above three other complaints that had been submitted last year (1 April 2007 to 31 March 2008) were disposed of this year (1 April 2008 to 31 March 2009). Again no findings of maladministration were found. These cases related to Housing, Environmental Protection and Housing Benefits.

3. Other Monitoring Officer matters

Members regularly seek advice from the Monitoring Officer and/or members of the Corporate Governance team regarding issues relating to the declaration of interests. Members are clearly taking their duties seriously in this regard – this is evidenced by the regular declaration of interests at committee meetings.

Monitoring Officer advice has been given to both individual members and corporately as required. Wherever possible this has been done proactively so as to avoid potential infringements or to resolve misunderstandings. Further there was a bite-sized training event in relation to the declaration of interests.

4. Ethical Governance Audit

In the first quarter of this year a group of officers (including officers from Internal Audit and Legal Services) were responsible for carrying out an audit of our ethical governance arrangements. In carrying out this exercise they had regard to the IDeA light touch framework. Overall the findings of this audit were very positive. Those areas for improvement which have been identified will help to inform a new action plan to be drawn up for further improving our ethical arrangements.

5. Registers

The Register of Members' Interests is maintained and updated as and when changes are notified. Members are advised on an annual basis of the need to review and update their entries.

The Gifts and Hospitality Register shows 24 entries during the year 31/03/08 to 31/03/09 from members and officers. In the previous 12 months period there were 14 entries; in the year before that there were 17 entries.

No inappropriate pattern emerges from the registers, nor was any other cause for concern identified.

The Register of Interests for Town/Parish member is maintained and shows evidence of appropriate updating.

6. Conclusion

Overall we consider that there is strong ethical governance regime in place in South Ribble.

We also believe that the introduction of the new arrangements for dealing with complaints about members has been successful. The profile of Standards Committee is clearly higher than it has been in the past.