



STANDARDS COMMITTEE

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ANNUAL REPORT ON ETHICAL STANDARDS
FOR 2009/10

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1. Forward by the Independent Chairman of Standards Committee

This has been a challenging year for the Standards Committee.

Throughout the course of the year we have dealt with a number of difficult and contentious cases.

Two of our decisions against members were subject to appeals to the Adjudication Panel for England. Whilst we were disappointed with the outcome of these appeals nevertheless I am convinced that we have discharged our duties in an assiduous and thorough manner.

We will continue to pursue Standards for England for greater clarity in relation to those issues that were at the heart of the appeals in question.

During the course of the year we have reviewed the way we deal with complaints. Overall I remain convinced that we are applying the right principles – the Committee remains fully committed to applying high standards in South Ribble.

Apart from our work in dealing with complaints we have also done much proactive work to promote the standards agenda in the Council. Of particular note is that we agreed a new Action Plan this year promoting and achieving high ethical standards.

Overall I firmly believe that the Standards Committee is in a strong and healthy position to meet the challenges of the next 12 months.

Russell Atkinson
Independent Chairman of Standards Committee

2. The role of the Standards Committee

The main role of the Standards Committee is to promote and maintain high standards of conduct amongst the members of South Ribble Borough Council and the members of Parish and Town Councils in the Borough.

The Standards Committee is currently responsible for the following main activities:

- To promote high standards of conduct from councillors, co-opted members and employees;
- To ensure that councillors and co-opted members have access to training in all aspects of the member Code of Conduct, that this training is actively promoted and that members are aware of the standards expected from local councillors under the Code;
- To consider and determine allegations of breaches of the Code of Conduct by individual councillors or co-opted members in accordance with rules and procedures laid down in Regulations for the determination of such matters;
- To consider and determine appropriate action against any member where misconduct is established to the satisfaction of the committee;

- To consider matters referred to it by Standards for England, in accordance with rules and procedures laid down in Regulations for the determination of such matters;
- To undertake any other functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000 or subsequent legislation;
- To exercise the above functions in respect of town/parish councils and their councillors and co-opted members in the Council's area;
- To report to the Council at least annually on the standards of conduct and the effectiveness of the ethical arrangements.

3. Members of the Committee

The Standards Committee is composed of three Independent Members, six Borough Councillors and three Parish Council members.

Independent Members

Mr R Atkinson has been a member of the Council's Standards Committee since May 2008. He is the Independent Chairman of the Committee.

Mr S Ellison has been a member of the Council's Standards Committee since June 2004.

Mr J Holt has been a member of the Council's Standards Committee since March 2009.

Borough Council Members

Councillor J.E.J Breakell has been a member of the Borough Council since 1979. Whilst previously serving on Standards Committee, his current membership commenced July 2009.

Councillor P Foster, a member of the Borough Council since 2007 and a member of the Standards Committee since March 2010.

Councillor F Heyworth has been a member of the Borough Council since 1995 (with a break between 5 May 1999 and 22 November 2001). Whilst previously serving on Standards Committee, his current membership commenced June 2004 (with a break between 11 November 2009 and 3 March 2010).

Councillor KW Palmer, a member of the Borough Council since 1974 and a member of the Standards Committee since May 2007.

Councillor Mrs MJ Robinson, a member of the Borough Council since 2007 and a member of the Standards Committee since May 2008.

Councillor B Yates, a member of the Borough Council since 1991 and a member of the Standards Committee since May 2009.

Parish Council Representatives

Councillor Mrs M Gelder, a member of Much Hoole Parish Council and a member of the Standards Committee since June 2008.

Councillor Mrs E Houghton, a member of Much Hoole Parish Council and a member of the Standards Committee since 2002.

Councillor R Mitchell, a member of Hutton Parish Council and a member of the Standards Committee since March 2010.

4. Officers who support the Committee

The Monitoring Officer

Under the provisions of the Local Government and Housing Act 1989, Councils have a duty to appoint a Monitoring Officer to ensure the lawfulness and fairness of Council decision making. The Monitoring Officer effectively serves as the guardian of the Council's Constitution and the decision making process.

The Monitoring Officer also works closely with the Council's Standards Committee to assist it in its role of promoting and maintaining high standards of conduct amongst members of the Borough Council and members of Parish and Town Councils in the Borough.

The Monitoring Officer is also responsible for:

- establishing and maintaining the register of members' interests
- ensuring that decisions of the Standards Committee are implemented. If the Standards Committee refers an allegation for investigation, the Monitoring Officer will arrange for it to be investigated
- being the main point of contact with Standards for England and submitting quarterly returns (as well as the annual return) on the complaints received and dealt with by the Standards Committee.

Mr John Dakin – previously the Corporate Director (Policy and Neighbourhoods) – was the Council's Monitoring Officer up until the 30th April 2010. Since that date Ms Maureen Wood the Council's Director of Corporate Governance has been designated the Council's Monitoring Officer.

Other Officers

The Council's Legal Services Manager attends all meetings of the Standards Committee and its Sub-committees and provides appropriate legal advice and assistance.

The Council's Senior Democratic Services Officer services the Committee and makes arrangements for the distribution of agendas, reports and minutes of the Standards Committee and its Sub-committees.

5. Overall Assessment of our Standards Regime

We consider that the Council has a strong, effective and robust ethical regime in place.

The ethical governance audit carried out in 2009 confirms that both members and officers hold very positive views in relation to how the Council generally deals with ethical issues. The new action plan that we agreed in September 2009 should help to improve further the standards that prevail in this local authority. The recently completed Citizen's Panel Survey demonstrates that generally speaking the public also has a high opinion of the ethical standards that are demonstrated by members of this Council.

Whilst we were disappointed with the outcome of the two appeals that were taken to the Adjudication Panel for England nevertheless overall we remain very satisfied with the way complaints have been handled by the full Committee and our Sub-committees during the 12 month period.

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

6. Review of Activity during the year

a) Committee meetings

The last 12 months have been a very busy period for Standards Committee as the new arrangements for the local assessment of complaints have bedded in.

For the year 31st of March 2009 to the 1st of April 2010 there were 9 meetings of the full Standards Committee.

During the course of the year some changes to the membership of the Committee were introduced. In particular, a third parish council representative (Mr R Mitchell) was appointed as well as there being changes in the borough council representation.

During this year we dealt with a number of issues.

In terms of our work relating to the promoting of high ethical standards within the Council we have done the following:-

- We considered a final outturn report on the progress that had been made against the 2006 Action Plan for promoting and achieving high ethical standards;
- We considered a summary of an ethical governance audit that had been carried out in the first half of 2009;
- We agreed a new Action Plan for promoting and achieving high ethical standards based on the findings of the 2009 ethical governance audit;
- We considered the first six monthly report of progress made against our new (2009) Action Plan.

The ethical governance audit that was carried out is a regular biennial exercise. The audit included independent work undertaken by Internal Audit and additional focus group sessions with Members and the Employee Panel. The aim is to increase awareness, promote the work of the Standards Committee and the governance agenda generally, but also, and more importantly, to continuously strengthen the Council's robust ethical arrangements and culture.

In addition to the above we are keen to ensure continued promotion of the Council's ethical arrangements with the public. As such we decided that we should include specific questions in a Citizen's Panel Survey regarding the ethical behaviour of local councillors.

At our meeting on the 4th of March 2010 the results of that Citizen's Panel survey were reported. We were pleased with the very positive results that were reported – generally speaking local councillors are held in high esteem in this borough.

Highlights from the Citizen's Panel survey include:-

- Almost two thirds of respondents (64.8%) are satisfied that South Ribble Borough Council operates a good level of ethical standards in the business it conducts. Only 2.9% highlighting any level of dissatisfaction in respect of this issue.
- Almost two thirds of respondents (64.3%) were aware there was a code of conduct that local councillors must adhere to.
- Almost two thirds of all respondents (63.7%) were confident that appropriate action would be taken if a breach of the standards of the behaviour of a councillor was uncovered.

We dealt with a number of other issues during the year – this included:-

- Dealing with two separate requests for dispensation – one from members of Penwortham Town Council and one from members of Much Hoole Parish Council;
- Holding five hearings of the full Committee into complaints about members;
- Agreeing responses to two appeals that were made against decisions we had made;
- Carrying out a general review of how we have dealt with complaints
- Considering a report from Standards for England about the public perception of the ethical standards of councillors nationwide

b) Complaints about members

For the year 31st of March 2009 to 1st of April 2010 there were 9 new complaints about Members which were considered by an Assessment Sub-committee. For the previous 12 month period there were 7 such complaints about Members.

The initial assessment of complaints is dealt with by an Assessment Sub-committee. A Sub-committee has regard to our agreed assessment criteria in deciding whether to take any action in relation to a complaint. 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. For the 12 month period in question there were three such Review Sub-committees. For the previous 12 month period there was one meeting of a Review Sub-committee.

Assessment Sub-committees decided to take no action in relation to 8 out of the 9 complaints received (in the other case an investigation was ordered). In all three cases where a Review Sub-committee met they decided to uphold the original decision of the respective Assessment Sub-committee.

There were four meetings of a Consideration Sub-committee during the course of the year. The purpose of such a meeting is to consider the report that the Investigation Officer has prepared and decide what the next procedural step should be in that particular case. In all four cases the Consideration Sub-committee referred the matter to a full hearing of the Standards Committee.

In the table set out on the next page are details relating to those complaints about individual members that were dealt with by a formal hearing of the Standards Committee during the year 31st of March 2009 to 1st of April 2010. For the sake of clarity four of the five complaints were actually received the preceding year but were only finally disposed of in this 12 month period.

The fourth column of the table sets out the relevant provisions of the Code of Conduct on which the complaints have centred. Where after a hearing a member has been found to have breached some of these provisions – but not to have breached other paragraphs – then for ease of reference we have simply highlighted those parts of the Code where the member was found to be in breach. Two of these cases were the subject of appeals to the Adjudication Panel for England.

Reference	Subject of the complaint	Complainant	Relevant paragraph(s) of Code of Conduct	Progress/Outcome
2008-0002 (31/03/08 to 01/04/09)	South Ribble Borough Councillor	Officer	Failure to treat other with respect	Referred for Investigation by Assessment Sub-committee. Hearing of Standards Committee held. Finding of breach of the Code of Conduct. Penalty – censure and a requirement to apologise
2008-0004 (31/03/08 to 01/04/09)	South Ribble Borough Councillor	Councillor	Failure to treat others with respect Bringing office into disrepute	Referred for Investigation by Review Sub-committee. Hearing of Standards Committee held. Finding of breach of the Code of Conduct. Penalty – censure and a requirement to apologise. Member appealed to Adjudication Panel for England. Decision overturned – member found not to have been acting in official capacity.
2009- 0001 (31/03/08 to 01/04/09)	South Ribble Borough Councillor	Councillor	Two aspects of the complaint:- Using Resources Improperly Failure to Declare Prejudicial interest	Both elements of the complaint referred for Investigation by Assessment Sub-committee. Two separate Hearings held. First hearing dealt with allegations of using resources improperly. Finding of breach. Penalty - censure and referral for training on the Code of Conduct. Second hearing dealt with allegations of failure to declare an interest. Finding of breach. Penalty – referral for training (to be combined with the earlier specified training)

Reference	Subject of the Complaint	Complainant	Relevant paragraph(s) of Code of Conduct	Progress/Outcome
2009- 0002 (31/03/08 to 01/04/09)	South Ribble Borough Councillor	Councillor	Disclosing of Confidential material	Referred for Investigation by Assessment Sub-committee. Hearing of Standards Committee held. Finding of breach of the Code of Conduct. Penalty – three months suspension and requirement to under go training. Member appealed to Adjudication Panel for England. Decision overturned – member found not to have disclosed confidential material.
2009 – 0004 (31/03/09 to 01/04/10)	South Ribble Borough Councillor	Councillor	Failure to declare personal interest	Referred for investigation by Assessment Sub-committee. Hearing of Standards Committee held. Finding of breach of the Code of Conduct. Penalty – referral for training on the Code of Conduct.

Of the four formal investigations that have been carried out during this period (31/03/08 to 1/04/09) three were carried out by an external expert and one was carried out by an internal officer (the Principal Solicitor). For the investigation that was carried out in the preceding year we utilised the services of an officer from another Council – this was on the basis of the Council’s Legal Services Manager carrying out an investigation on behalf of that Council. We will continue to assess on an ongoing basis the most effective approach– in the individual circumstances of the case – to adopt for carrying out an investigation.

In so far as legislation allows we try to deal with complaints as expeditiously as possible. In terms of the four investigations that have been carried out during this 12 month period the average length of time for such investigations is 110 days. For the sake of clarity this figure relates to the time from when an Assessment Sub-Committee decides that an investigation is necessary to when the Investigation Officer issues his final report.

7. 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 2010 7 complaints were submitted to the Ombudsman. Of these 7 complaints 2 were referred to investigation (no findings of maladministration were found). The other 5 complaints were either considered premature (i.e. the Council had not been given the opportunity to investigate them) or were not pursued. It should be noted that in the preceding 12 months 25 complaints had been made against the Council – hence there has been a significant reduction.

In addition to the complaints referred to above seven other complaints that had been submitted last year (1 April 2008 to 31 March 2009) were disposed of this year (1 April 2009 to 31 March 2010). There was one finding of maladministration and one complaint that was settled. In the other five cases there was either no or insufficient evidence of maladministration or the cases were resolved through the Ombudsman using his discretion. The Ombudsman report dealing with the finding of maladministration was referred to Full Council on the 11th of November 2009.

8. 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.

To help members further we have launched a revised version of the members' intranet "Cllr Connect." This is designed as a portal to help members to serve themselves to information and learning. We now have dedicated pages for standards and ethics.

On the 16th of April 2010 the Monitoring Officer returned the annual return to Standards for England for the year 31/03/09 to 01/04/10. This contains relevant information as to the policies and practices we have in place as well as providing statistical data relating to complaints that we have dealt with.

9. 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 10 entries during the year 31/03/09 to 01/04/10 from members and officers. In the previous 12 months period there were 24 entries; in the year before that there were 14 entries.

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

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

10. Training

Training on the Code of Conduct and ethical arrangements has been provided to the Lancashire Association of Local Councillors. Parish & Town Council members from across Lancashire attended and the feedback was very positive.

Specific tailored training has been provided for those members who were found to be in breach of the Code of Conduct and in respect of whom Standards Committee considered that training was required.

Training will be provided within the very near future for those new members who have recently joined Standards Committee.

11. Work Plan

The next 12 months will be another busy period for Standards Committee.

The work plan for the next 12 months (31/03/10 to 01/04/11) consists of the following:-

1. Reports on progress made against the action plan – six monthly;
2. Updates on relevant cases and guidance documents from Standards for England;
3. Updates on any changes to relevant legislation;
4. An annual review of the effectiveness of our regime for dealing with complaints;
5. Training issues including preparing for Member induction in 2011;
6. Consideration of new Codes of Conduct (Members and/or Officers) if they are introduced;
7. Dealing with complaints about Members;
8. Self-assessment of our effectiveness as a Standards Committee;
9. Reports on how complaints have been dealt with – six monthly;
10. Dealing with any requests for dispensations

12. Conclusion

The last 12 months has been a busy and challenging year for Standards Committee.

During this period the membership of this Committee has increased.

Clearly the profile of Standards Committee is higher than it has been in the past – what is more it will continue to rise. Whilst there is no room for complacency nevertheless we remain of the view that high ethical standards prevail in South Ribble.