



STANDARDS COMMITTEE

DRAFT

ANNUAL REPORT ON ETHICAL
STANDARDS FOR 2010/11

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1. Forward by the Independent Chairman of Standards Committee

There have been far fewer complaints to deal with this year than in the previous 12 months – indeed during the course of this 12 month period (1st of April 2010 to 31st of March 2011) there was no need to carry out any formal investigations.

Everything suggests that members of South Ribble Borough Council continue to take seriously their duties under the Members' Code of Conduct.

As we know major changes are planned to the standards regime by the Coalition Government in the Localism Bill. As we speak there is some still uncertainty over precisely what the new regime will be but clearly there will be significant changes to the way all Councils deal with standards issues. In Committee we have already discussed at length how we would like to move forward. Ultimately this will be a decision for full Council to make.

Apart from our work in dealing with complaints we have also sought to proactively promote the standards agenda in the Council – this aspect of our work will continue to be important in the proposed new Standards regime.

Until the new Standards regime comes into force (possibly in Spring 2012) Standards Committee will continue to function in exactly the same way as it has done over the last couple of years.

I am sure that South Ribble Borough Council will have the necessary foresight and flexibility to meet the future challenges of the Standards regime.

There have been a number of changes to the membership of Standards Committee during the course of the last 12 months. Councillor Yates came off Standards Committee in May 2010. In May 2011 Councillors Breakell and Palmer – two long serving members of the Borough Council – retired from office. Following the determination of the new Committee membership by full Council on the 25th of May 2011 Councillors Foster and Mrs M Robinson no longer continued as members of this Committee. I would like to take the opportunity to express my gratitude and appreciation for the work that all these councillors put in whilst members of Standards Committee.

With effect from the 25th of May 2011 Councillors M Green, Harrison, Mrs Mort, and Ms Walker are now members of the Standards Committee. I greatly look forward to working with them over the course of the next 12 months.

Russell Atkinson
Independent Chairman of Standards Committee

2. The role of the Standards Committee

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

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

Borough Council Members

Councillor J.E.J Breakell, a member of the Borough Council since 1979. Whilst previously serving on Standards Committee, his final period of membership commenced July 2009. Councillor Breakell retired from office in May 2011.

Councillor P Foster, a member of the Borough Council since 2007 and a member of the Standards Committee from March 2010. Following on from the Council meeting of the 25th of May 2011 which determined Committee membership Councillor Foster no longer continued as a member of Standards Committee.

Councillor F Heyworth, 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 M Otter, a member of the Borough Council since 3 May 2007 and a member of Standards Committee since 26th May 2010.

Councillor KW Palmer, a member of the Borough Council since 1974 and a member of the Standards Committee from May 2007. Councillor Palmer retired from office in May 2011.

Councillor Mrs MJ Robinson, a member of the Borough Council since 2007 and a member of the Standards Committee since May 2008. Following on from the Council meeting of the 25th of May 2011 which determined Committee membership Councillor Mrs Robinson no longer continued as a member of Standards Committee.

Councillor B Yates, a member of the Borough Council since 1991 and a member of the Standards Committee from May 2009. Councillor Yates came off Standards Committee in May 2010.

With effect from the 25th of May 2011 the following four members have become members of the Standards Committee

Councillor M Green, a member of the Borough Council since May 2003.

Councillor D Harrison was formerly a member of the Borough Council from December 1994 to May 2007 and has previously served on the Standards Committee – he was re-elected to office in the recent local elections.

Councillor Mrs Mort, a member of the Borough Council since the 5th of May 2011.

Councillor Ms Walker a member of the Borough Council since the 5th of May 2011.

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
- advising the Standards Committee on rules and procedure and advising members on day-to-day basis
- being the main point of contact with Standards for England

Ms Maureen Wood the Council's Director of Corporate Governance is 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. Since June 2010 he has also acted as the Council's Deputy Monitoring Officer.

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

The ethical governance audit that was carried out in 2009 confirmed that both members and officers hold very positive views in relation to how the Council generally deals with ethical issues. We note that good progress continues to be made against the action plan to further strengthen our robust ethical arrangements.

Although we have had very few complaints to deal with this year nevertheless we remain very satisfied with the way complaints have been handled by the full Committee and our Sub-committees during the 12 month period.

We note however that Central Government are planning major changes to the Standards regime. Principal changes include:-

- Abolition of Standards for England
- Abolition of First tier Tribunal
- Abolition of model Code of Conduct
- There will no longer be a requirement to have a Standards Committee
- The power to suspend members will be removed
- Criminal sanctions will exist for certain failures to declare interests

During the course of the next 12 months South Ribble Borough Council will need to decide how it wants to meet the new challenges arising from the Localism Bill. It is anticipated that the new arrangements will come into force some time in 2012 (possibly in Spring). One issue that South Ribble Borough Council will need to address its mind to is whether it wants to introduce a voluntary Code of Conduct when the current mandatory Code is abolished. Standards Committee has already given consideration to this issue.

6. Review of Activity during the year

a) Committee meetings

For the year 31st of March 2010 to the 1st of April 2011 there were 6 meetings of the full Standards Committee.

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

- Two separate requests for dispensation from members of Penwortham Town Council;

- Six monthly report of progress made against the Action Plan for promoting and achieving high ethical standards
- Various update reports on the progress of the Localism Bill and the proposed changes to the Standards regime – in particular we have already given serious consideration as to what we would like to see in place in South Ribble Borough Council when the proposed new arrangements comes into force
- A report setting out the details of a meeting between Standards for England and independent members of this Committee (and officers). The aim of the meeting was to identify points of learning arising from the outcome of the two Adjudication Panel appeals that had been brought against decisions that the Council's Standards Committee had previously made.

b) Complaints about members

For the year 31st of March 2010 to 1st of April 2011 there were 2 new complaints about Members which were considered by an Assessment Sub-committee. For the previous 12 month period there were 9 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 was one such Review Sub-committee meeting. For the previous 12 month period there were three meetings of a Review Sub-committee.

In the table set out below are details relating to the two complaints about individual members that were received during the year. The fourth column of the table sets out the relevant provisions of the Code of Conduct on which the complaints have centred.

As it was not considered necessary to investigate any complaints received there were no meetings of a Consideration Sub-committee during the course of the year (nor by extension were there any formal Hearings).

In addition to the complaints considered by Assessment Sub-committee a small number of other complaints were resolved on an informal basis by the Monitoring Officer (with the agreement of the complainant).

Reference	Subject of the complaint	Complainant	Relevant paragraph(s) Of Code of Conduct	Progress/Outcome
2011-002	Three South Ribble Borough Councillors	Councillor	Various allegations including the use of the Council's resources improperly for	Assessment Sub-Committee decided not to refer the complaint for an investigation. However, Sub-

			political purposes	Committee did direct the Monitoring officer to arrange relevant training for the three members concerned as she deemed appropriate. Assessment Sub-Committee made no findings of fact against these members.
2011 -003	South Ribble Borough Councillor	Councillor	Various allegations including Failure to treat others with respect Bringing office into disrepute Bullying	Assessment Sub-Committee decided not to take any action in relation to the complaint. The complainant called for a review of that decision. Review Sub-Committee considered the matter afresh but also concluded that no action should be taken in relation to the complaint.

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 2011 12 complaints/enquiries were submitted to the Ombudsman. Of these 12 complaints 4 were referred to investigation. The other 8 complaints were either considered premature (i.e. the Council had not been given the opportunity to investigate them) or were not pursued. In terms of the cases that were referred for investigation in two of the four cases the Ombudsman found that there was either no or insufficient evidence of maladministration. In another case the Ombudsman resolved the matter by exercising his discretion and in the fourth case we are still awaiting the outcome of the investigation.

There have been no findings of maladministration against the Council during the 12 month period.

8. Other Monitoring Officer matters

Members continue to seek advice on a regular basis 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.

The members' intranet "Cllr Connect" continues to function as a help to members. This is designed as a portal to help members serve themselves to information and learning. We have dedicated pages for standards and ethics – contained within these pages is a frequently asked questions section dealing with issues such as personal and prejudicial interests and a guide to the Code of Conduct. Guidance is also provided on member declaration of interests, gifts and hospitality.

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. Democratic services staff also regularly take the register to committees and remind members to enter any changes.

The Gifts and Hospitality Register shows 10 entries during the year 31/03/10 to 01/04/11 from members and officers. In the previous 12 months period there were 10 entries; in the year before that there were 24 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.

10. Training

Training has been provided for those new members who joined Standards Committee during the course of the year.

Throughout the year members of Standards Committee have been kept fully informed of the progress of the Localism Bill and of the likely fundamental changes to the standards regime.

Following on from the local elections (and as part of the member induction training programme) extensive training will be provided for all members. This includes an introduction to members' roles, protocols for committees including declaration of

interests, training for Standards Committee and a full session on the code of conduct including practical work.

11. Work Plan

The next 12 months will be a period of great change for Standards Committee.

Until the new Standards arrangements come into force (possibly Spring 2012) we will continue to carry out all our existing functions.

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

1. Dealing with complaints about Members;
2. Dealing with any requests for dispensations;
3. Continuing to act proactively in finding ways to promote and maintain high ethical standards;
4. Regular updates on the Localism Bill and any associated secondary legislation;
5. Updates on relevant cases and guidance documents;
6. Considering how we can best meet the challenges of the proposed new Standards arrangements;
7. Training in preparation for the new arrangements;

12. Conclusion

This is a period of great change in Standards.

We feel that the Standards Committee has played a very positive role in promoting high ethical standards in the Council in recent years. Clearly the Council needs to ensure that this good work is continued in the context of the new Standards regime when it is introduced.