

REPORT TO	DATE OF MEETING
Standards Committee	8 December 2016

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
Annual Report and Update	Leader	David Whelan	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

The report provides an account of standards work carried out within the last 12 months.

It also outlines challenges facing us in the next 12 months.

The report links to the corporate priority of efficient, effective and exceptional council.

RECOMMENDATIONS

Committee is asked to note the contents of the report and to consider the suggestions for moving forward

DETAILS AND REASONING

1. Background

The standards regime changed fundamentally as a consequence of the introduction of the Localism Act 2011. Essentially a less regulated standards regime was introduced.

Changes included:

- The abolition of independent members on standards committee
- The abolition of the Model Code of Conduct
- Parish council members no longer to be members of standards committees
- Powers of sanction greatly reduced – in particular the power to suspend members was removed
- The introduction of the independent person – a different role to independent members
- No power of appeal against decisions of standards committee

On the back of these changes we introduced a new Code of Conduct for Members in 2012 and a new Investigation and Hearing procedure was also introduced.

Under the new arrangements it is for the Monitoring Officer to carry out an initial assessment of all complaints that come in. It should be remembered that this extends to complaints against parish/town councillors in our area as well as borough councillors.

The procedure that is followed for assessing complaints is that the member complained of will be written to giving them an outline of the complaint against them. The member will be given a reasonable amount of time to respond to that complaint.

It will then be for the Monitoring Officer to decide whether any further action is required. The fundamental question to be considered is whether the member in question has breached the Code of Conduct.

If the Monitoring Officer believes the information received merits consideration he will after consultation with the Independent Person take a decision as to whether it should be investigated or another course of action taken. As a matter of course the Monitoring Officer discusses all complaints with the Independent Person.

If an investigation is deemed necessary this will involve the commissioning of an external investigation. Alternatively other action may be taken. For example if the member complained of is prepared to apologise for his/her action and (if appropriate) undergo training then the case could be resolved this way.

If a full investigation is carried out and a report produced then the member could be referred to a full hearing before Standards committee. In such circumstances it would be for committee to decide whether a breach of the Code of Conduct has taken place and what action should take place. It must be emphasised though that powers of sanction are extremely limited. Essentially they are:

- Publish its findings in respect of the Member's conduct;
- Report its findings to Council (or to the Parish Council) for information;
- Censure;
- Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities;
- Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;
- Recommend to Council or Parish Council that the Member be removed from all outside body appointments to which they have been appointed or nominated by the Council (or by the Parish Council);
- Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

Given how limited our powers of sanction are if all possible we try to resolve complaints by the taking of other suitable action.

2. Complaints

It is the intention moving forward that we will provide an annual report to Standards committee.

As part of this process it is intended to provide information about the number of complaints that we have received in a 12 month period and what the outcome of those complaints have been.

This information will be provided on an anonymised basis.

For the year 1st of November 2015 to 31st of October 2016 there have been 12 such complaints. Further it should be pointed out that since 1st of November 2016 there have been 4 further complaints which are either being dealt with or are about to be.

Of the 12 complaints received 6 were brought by members of the public and the other 6 were brought by fellow councillors.

A decision to take no action was made in 6 cases. One complaint was withdrawn. Other action (apology by the member etc.) was taken – or is recommended to be taken – in 4 cases. A decision is still awaited on another complaint as it is particularly wide ranging and requires careful thought.

The subject matter of the complaints is quite wide and diverse. The two most common issues of complaint about members relate to not treating others with respect and issues centred on the failure to declare interests.

3. Ombudsman Complaints

Complaints to the Ombudsman are ordinarily not directly related to member conduct - rather they are complaints brought by members of the public against the quality of services delivered.

For the year 1st of April 2015 to 31st of March 2016 11 complaints against the council were dealt with by the Ombudsman. Of these 11 complaints 2 related to Benefits and Tax, 3 to Corporate and Other Services, 1 to Education and Children's services, 2 to Environment services and 2 to Planning and Development.

There were no adverse findings of maladministration against the council.

4. Attendance Figures

Overall councillors' figures for attending council meetings are very high.

On our website councillor's individual attendance records can be accessed. For those councillors who have been on the council for a number of years these records go back to 2007/2008.

In terms of overall figures for councillors attending meetings we have an attendance record of 87.89%. This is an ongoing total which is periodically updated.

5. Training

Whilst ad hoc training has been provided on standards issues during the last 12 months (for example training on interests for planning committee members) nevertheless it is considered desirable that we develop a detailed training programme for members. This will have two main aspects to it:

- General standards training/awareness raising for all members
- Specific training for standards committee members.

6. Moving forward

Members will be aware of the recent Scrutiny review into issues relating to the council's licensing service. Emerging from this extensive review were a number of recommendations. Three are of particular note to this committee.

Cabinet will be considering the recommendations of the Scrutiny review into licensing at its meeting on the 6th of December. An update will be provided at our meeting. In any event though it is considered desirable that we raise the profile of Standards Committee – in this regard Recommendation 4 (set out below) is particularly apposite. It is also considered that there is scope for improvement for member/officer relations – Recommendation 8 (again set out below) is relevant here.

Of those recommendations relevant to the work of this committee Recommendation 4 states: "The Standards Committee be strengthened and role be enhanced to improve the ethical governance of the authority and set the standard for Members and Officers to follow."

In recent years Standards committee has met very infrequently. Clearly this needs to change. We need to ensure that Standards committee has a higher profile in the council and exerts a greater influence on member behaviour.

Members are asked to consider how best we can achieve this. The development of a work programme for standards committee would appear to be a sensible step forward. Such a programme could include some or all of the following actions:

- Review the terms of reference for Standards Committee
- Carry out an ethical governance audit of the council
- Review the council's Code of Conduct for Members
- Review the council's Investigation and Hearing procedure
- Review our confidentiality arrangements – how best to ensure that the confidentiality of sensitive documents is maintained.
- Identify and deliver appropriate and focused training.

Members are asked to consider whether there are any other issues that they would like to see addressed. Clearly we will need to decide on the order of priority that we will give any such actions.

As already referred to above Recommendation 8 of the Scrutiny Committee review of licensing is also of relevance to this committee. This states: "A Member/Officer relations protocol is developed and political awareness training is provided to Members and Officers."

The development of a new member/officer protocol is considered highly desirable. The existing protocol in the constitution is a very short document that now appears somewhat out of date. There are concerns that at times member and officer roles have become somewhat blurred – this issue needs to be addressed. The development of such a protocol could be added to the work programme for Standards committee.

For the sake of completeness Recommendation 6 of the Scrutiny Committee review into licensing is also of relevance to this committee. This states: "That the conduct of the five members of Cabinet involved in taking unconstitutional decisions be referred to the Monitoring Officer for formal

consideration as to whether any breach of the members' Code of Conduct has taken place." As we speak no action has yet been taken in respect of this. A formal complaint will need to be submitted to the Monitoring Officer in respect of this before our normal processes are triggered.

By way of conclusion committee are asked to consider how best they can become involved in raising the importance of standards, what our work programme should be, what are priorities should be and what further training committee will require.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

FINANCIAL	There are no financial implications
LEGAL	Essentially the report is an update report with no direct legal implications arising. However, in more general terms the need for a strong and robust standards regime is indisputable. Public confidence in the council must be enhanced and developed.
RISK	The importance of a sound standards regime is self-evident. A failure to maintain proper standards of behaviour could result in reputational damage to the council.
THE IMPACT ON EQUALITY	There are no adverse impacts on equality issues

OTHER (see below)			
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS