

**7. REPORT TO THE STANDARDS COMMITTEE FOR THE 27<sup>TH</sup> MAY 2009 AT 7 P.M**

**STANDARDS COMMITTEE ANNUAL REPORT APRIL 2008 – MARCH 2009**

REPORT OF:	TOM CLARK
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Wards Affected:	All
Key Decision	No

**Purpose of the Report**

1. To report to the Standards Committee the work of the Committee from April 2008 to March 2009 to accord with the annual report sent to the Standards Board for England which is annexed to this report at Appendix 1.

**Recommendations**

**2. To note the report.**

**2.1 To suggest any changes or additions to the report.**

**2.3 To recommend that the amended report is included in the Council Agenda for the Chairman of the Standards Committee to present at Council.**

**Background**

3. Members will recall that from the 8<sup>th</sup> May 2008 all written complaints under the Members' Code of Conduct for the District Council and for all parishes within the District Council of Mid Sussex were to be reported to me as Monitoring Officer and no longer sent to the Standards Board for England.

3.1 The Standards Committee set up Sub Committees of three members to carry out an initial assessment of any complaints received. Under the 2008 Regulations Statutory Instrument No. 1085 they were also required to set up a Review Sub-Committee of three different members to review the case in the light of any review requested by the complainant.

3.2 In the light of these new duties the Committee trained by looking at cases from the Standards Board website and comparing their own decisions with those of the Standards Board. They also worked on the criteria for assessment and review, and on notes for both the complainant

and the member complained about for inclusion on the District Council website. The first formal complaint was received in August 2008 and by the end of March 2009 there had been four complaints.

3.3 In addition to the meetings of the Assessment and Review Sub-Committees, the Committee has met on five occasions. The meetings have been relevant to the task of assessment and review including viewing of a training DVD on the new system for the local handling of complaints and a role-play exercise on the procedure for conducting a hearing. The Committee has also discussed points arising from the twice-yearly meetings of the South Area Forum for Independent Members of Standard Committees, which have regularly been attended by one or more of Mid Sussex's Independent Members.

## **Complaints Received**

4. Three of the complaints have involved District Councillors while the most recent has involved a Parish Councillor.

4.2 The first two complaints involved allegations of discrimination under paragraph 3(2)(A) of the Code of Conduct and also allegations under the disrespect provisions of paragraph 5.

4.3 The third complaint involved an allegation that a member had taken part in planning matters when they had both a personal and prejudicial interest.

4.4 The final Parish Council complaint involved an allegation of predetermination, having a personal and prejudicial interest and acting in a manner likely to bring the office of Councillor and the Authority into disrepute. This involved a proposed footpath diversion on which the Parish Council was a consultee and not the decision maker.

4.5 Of the four complaints, in one the sub-committee suggested a way relationships could be rebuilt. The other three were adjudged not to reveal a breach of the Code of Conduct requiring an investigation; in each case the initial decision to that effect by the Assessment Sub-Committee was appealed by the complainant but confirmed by the Review Sub-Committee following a full reconsideration of the matter. So no cases have yet been referred for full investigation.

## **2009/10**

5. The Standards Committee is expecting a further Member Code of Conduct to be issued in 2009 on which members at both the District and Parish level will need guidance and perhaps training.

5.1 The Monitoring Officer and the independent members of the Standards Committee will be making themselves available to visit Parish Councils upon invitation during 2009/10.

5.2 The Standards Committee will continue to make every effort to conduct the complaint process, both in the Assessment Sub-Committee, the Review Sub-Committee and any Hearings Committee, in a prompt, fair and impartial fashion. They will provide advice on important decisions of the Adjudication Panel for England. The Standards Committee will also seek to provide advice on any matters perceived to be causing problems, either at District or Parish level.

5.3 In the light of the annual return to the Standards Board members are requested to consider other areas of work for the forthcoming year.

## **6. Financial Implications and Other Material Implications**

6.1 In 2008/9 the Standards Committee operated well within its £10,000 budget, but if it is required to do a major investigation, this would cause the budget provision to be spent. A reimbursement of funds cannot be sought from Parish Councils who have Councillors involved in a complaint.

6.2 The number of Mid Sussex complaints made in 2008/9 is less than those received by the Standards Board in 2007/8. In 2007/8 two Parish matters went to a full hearing of the Hearings Sub-Committee. There were no such hearings in 2008/9.

6.3 In the run-up to the introduction of the new system for the local handling of complaints there was much discussion of the possibility of sharing resources, including the time of Independent Members, across council boundaries in the event of a surge of complaints in a particular area. This has not so far proved necessary in Sussex.

## **Background Papers**

7. The Minutes and Report of the Standards Committee April 2008 to March 2009.

J/word/TomC/Report to Standards Committee 290408

APPENDIX 1.



Friday 1 May 2009



Confidence in local democracy

## Annual return

Submitted As Final

### Summary

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show all

<b><u>Section 1</u></b>	Independent overview		show <input checked="" type="checkbox"/>
<b><u>Section 2</u></b>	Standards committee - annual report		show <input checked="" type="checkbox"/>
<b><u>Section 3</u></b>	Standards committee - promoting standards		show <input checked="" type="checkbox"/>
<b><u>Section 4</u></b>	Standards committee - training		show <input checked="" type="checkbox"/>
<b><u>Section 5</u></b>	Leadership		show <input checked="" type="checkbox"/>
<b><u>Section 6</u></b>	Complaints		show <input checked="" type="checkbox"/>
<b><u>Section 7</u></b>	Member officer - relations		show <input checked="" type="checkbox"/>
<b><u>Section 8</u></b>	Registering member interests		show <input checked="" type="checkbox"/>
<b><u>Section 9</u></b>	Officer conduct		show <input checked="" type="checkbox"/>
<b><u>Section 10</u></b>	Optional questions		show <input checked="" type="checkbox"/>

### Independent overview

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Does the standards committee have Terms of Reference?

Yes

What help do members receive on following the Code of Conduct?

All members have had training and update letters are sent my the Monitoring Officer

Does the standards committee have a forward work plan?

No

Is the standards committee given a role in reviewing amendments to the Authority's Constitution (or Standing Orders where appropriate)?

No

**Standards committee meetings.**

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Please use the table below to indicate how many times between 01/04/2008 and 31/03/2009 the standards committee has met and for what reasons.

Reason for meeting	Number of times met between 01/04/2008 and 31/03/2009
General meeting of whole standards committee	5
Training	2
Assessment sub-committee	4
Review sub-committee	2
Consideration meeting	0
Hearing	0
Other	0

**Standards committee - annual report**

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Does the standards committee produce an annual report on its own work?

Yes

Is the annual report received by a meeting of the full authority?

Yes

Is the annual report sent to all members?

Yes

Is the annual report sent to all senior officers?

Yes

How is the annual report publicised to the general public?

On the web site as part of the Council agenda

**Standards committee - promoting standards**

What else does the standards committee do to communicate the role of the standards committee and the importance of high standards internally within the authority to members and officers?

The Chairman of the Standards committee has up to four slots per annum to present reports to Council and answer questions from members.

What else has the standards committee done to promote confidence in local democracy to the wider public?

It has dealt with complaints expeditiously and both the monitoring officer and the independent members have offered to talk at Town and Parish Councils

Has the authority, or the standards committee in particular, considered how it will monitor and ensure high standards of behaviour when the authority is working in partnership with other organisations?

No

**Standards committee - training**

Between 01/04/2008 and 31/03/2009, has the authority assessed the training and development needs of members in relation to their responsibilities on standards of conduct?

Yes

What training needs were identified?

Please provide a list of training and development opportunities that have been provided to members and officers in the period from 01/04/2008 and 31/03/2009, that are relevant to ensuring high standards. Your list should include any training that relates to the operation of the local standards framework, e.g. local assessment, hearings etc.

Planning training at the District planning committee on 5th June 2008, 31st July 2008 and 29th January 2009. Licensing training on 14th October 2008. Audit training on 21st October 2008. Standards training on local assessment and reviews on 1st October 2008 and a mock hearing on 20th January 2009 Member Development Charter workshop on 9th April 2009 Role of frontline Councillor on 14th April 2009 Effective policy advisory groups on 22nd April 2009

**Leadership**

How often has the standards committee, or its chair, met the chief executive to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

How often has the standards committee, or its chair, met the leader of the council to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

How often has the standards committee, or its chair, met the other party group leaders to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

Does the standards committee, or its chair, have regular access to the monitoring officer? How regular?

Yes ahead of every meeting of the standards committee and by post, telephone and e-mail

How many times in the last 12 months (from 01/04/2008 to 31/03/2009) has the standards committee chair been invited to address a full authority meeting?

None

Does the monitoring officer sit on the Corporate Management Team, or equivalent?

Yes

Has an executive member (or senior member where appropriate) been given portfolio responsibility for standards?

Yes



## **Complaints**

Can the public access information, from the authority website, about how to make a complaint against a member?

Yes

What else has the authority done to advertise the complaint process on member conduct to the general public?

Back in May 2008 it was a banner headline on our web site and all parish clerks were contacted outlining the new procedure for code of conduct complaints

Has the authority sought feedback from any of those people involved in an allegation of member misconduct about their satisfaction with the member conduct complaint process (for example the complainant, witnesses or person against whom the allegation was made)? Please choose from responses below.

No, have not sought feedback

How does the authority communicate the outcome of investigations into member conduct to:

a) members

Yes through the Annual report

b) officers

Yes through the Annual report

c) the general public

Yes through the Annual Report

How does the authority communicate the outcome of allegations into member conduct which have NOT resulted in an investigation (for example those allegations which have not been referred for investigation and those allegations which have resulted in other action) to:

a) members

Through the Annual report

b) officers

Through the Annual report

c) the general public

Through the Annual report



**Member officer relations**

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Does the authority have a protocol for relations between members and officers?

Yes

How is the protocol communicated to officers and members?

What is the mechanism for reviewing the effectiveness of this protocol?

Does the authority include training on the importance of high standards of behaviour in the inductions of new members and officers?

Yes

Does the authority have informal mechanisms for dealing with member/officer and member/member disputes?

Yes

Please provide details of any mechanisms and, if possible, provide an example where this has been used.



**Registering member interests**

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Is the member register of interests accessible to the public on the authority website?

Yes

Is the register of gifts and hospitality available to the public on the authority website?

*No yes*

What does the authority do to signal to members the importance of declaring interests and completing the register of interests and the register of gifts and hospitality?

Members are reminded to update their declarations of interest which can be found on the web site and to register gifts and hospitality where the value is £25.00 or more.



**Officer conduct**

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Does the authority have a code of conduct for senior officers?

Yes

Does the authority compile a register of senior officers' interests?

Yes

If yes, is the register of senior officers' interests available to the public on the authority website?

Does the authority compile a register of senior officers' gifts and hospitality?



Yes

If yes, is the senior officers' register of gifts and hospitality available to the public on the authority website?

No



**Optional questions**

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The following questions are optional; you do not have to complete them if you do not wish to. However, this information would be useful to us in helping us to raise ethical standards.

On what issues, if any, would you appreciate more support or guidance on from the Standards Board for England?

Trianing DVD on planning

The Standards Board for England, the Improvement and Development Agency and the Audit Commission have developed a toolkit that authorities can use to assess the ethical governance arrangements in their authority, and also to identify improvements.

Has your authority used the ethical governance toolkit?

No

If no, has your authority considered using the ethical governance toolkit?

Yes



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