

5. REPORT TO STANDARDS – 9TH FEBRUARY 2010 at 7.00 p.m

THE HIGHLY EFFECTIVE STANDARDS COMMITTEE

REPORT OF: Tom Clark, Solicitor to the Council and Monitoring Officer
Email: tomc@midsussex.gov.uk Tel: 01444 477459
Wards Affected: ALL
Key Decision No

Purpose Of Report

1. To consider the Standards Board Paper “the highly effective Standards Committee” and consider what changes can be made at Mid Sussex to improve performance taking into consideration the stated attributes of a highly effective Standards Committee.

Summary

2. The Standards Committee deals with complaints received effectively but may need to make a greater impact on the community.

Recommendations

3. **To make recommendations on how the Standards Committee can be more effective within the resources available.**
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Background

4. At its annual assembly on the 12th & 13th October 2009 the Standards Board presented a paper on the highly effective Standards Committee. This is annexed at Appendix 1. The Standards Committee suggested 10 headings to consider and these are as follows:-

- a) Processes:

The Committee dealt with 5 cases last year. These were dealt with on time and the Committee does have an agreed advice sheet for the Assessment And Review Sub-Committees in order to have a consistent approach. Members of the Sub-Committee have received training and have learnt from dealing with cases.

- b) Training Identified and Delivered

Members of the District Council and to a limited extent Parish and Town Councils have received training on the Code of Conduct. Further training will be provided as and when any new Code of Conduct is published.

- c) Protocols in Place and Reviewed Regularly.

New Protocols were introduced when the Assessment and Review responsibilities were handed to the Standards Committee. This was in May 2008 and these now need reviewing.

d) Transparency

District Council Members do have their interests and gifts and hospitality declarations published on the website. The Members Code of Conduct is on the website as part of the Council's Constitution and can be found by searching for the "Standards Committee" or the "Members Code of Conduct". The Annual Report is provided to full Council which means it goes in a hard copy to all District Council Members and Parish Clerks. The information about the Standards Committee is accessible but the website needs updating.

e) Proactivity

The Standards Committee does not have a published work programme but does decide its own programme of work at meetings and through discussions between the Chairman and the Monitoring Officer. The Standards Committee has undertaken training itself and has recommended training for the full Council. Independent Members of the Standards Committee have promoted the work of the Standards Committee at some town and parish councils. There have been no direct links with the Audit Committee. There have been no joint meetings with other committees of the Council. The Standards Committee has to date not been involved in partnership working.

f) Leadership

The Monitoring Officer is on the Senior Management Team. There is an executive member on the Standards Committee but standards are not specifically listed in the responsibilities of any Cabinet Member. The Chairman of the Standards Committee has not had regular meetings with Group Leaders. There is probably more work to do to raise public awareness of ethics generally and in mainstreaming them as part of the operation of the Authority.

g) Impact

With 5 complaints in 2009 we have seen a decrease in the level of complaints. We had no District Council on District Council complaints in 2009. Our complaints have come from members of the public and from a parish council. As a separate matter members of the Standards Committee will informally review the complaints received in 2009.

h) Learning.

The Independent members of the Standards Committee attend the Independent Standards Committee Members Forum for this area. Interesting/instructive cases are sent to Members of the Standards Committee or discussed at Committee meetings. To date there has been no formal review of the effectiveness of the Committee.

Financial Implications

5. Budgets are particularly tight at the moment and there is little scope for a large financial investment in the work of the Standards Committee.

Legal Implications

6. The Members' Code of Conduct, the requirement to have a Standards Committee and the duty of that Standards Committee to investigate complaints is set out in Part III of the Local Government Act 2000 between Sections 49 and 67.

The highly effective standards committee

Benchmark for effective standards committees

We have developed these indicators of a well functioning standards committee as our starter for 10. These are not for discussion or debate but are offered as a starting point for your deliberations.

Processes

- Case handling
 - Cases dealt with in time
 - Complaints about the process
 - Consistent approach to judgements and sanctioning
- Training identified and delivered – range and depth
- Protocols in place and reviewed regularly
- Transparency
 - Publishing interests on website
 - Gifts and hospitality register available via the website
 - Publicity about the Code
 - Who gets the annual report?
 - Information about the standards committee accessible via the website
- Proactivity
 - Have a work programme
 - Training – how much and who to
 - Promoting the work of the standards committee
 - Links to audit committees where they exist
 - Links to other internal stakeholders
 - Joint standards involvement with partnerships
 - Outreach to parishes

- Leadership
 - Monitoring Officer on senior management team
 - Executive member has standards in their portfolio
 - Regular meetings between the chair of the standards committee and the leadership of the council
 - Public awareness of the committee and ethics generally
 - Ethics and standards integrated into the operation of the authority

Impact

- Improved standards of conduct
- Fewer complaints about members
- Source of complaints
 - Fewer member on member complaints
 - Increase in complaints from the public
- Subject of complaints
- Testing the impact of training (own and parish and town council members)
- Trust in the authority is improving – eg measured through Citizens Panels or equivalent
- Level of public awareness of the standards committee

Learning

- How the committee learns and develops itself
 - How the committee keeps abreast of “case law” and effective practice
 - Attendance at conferences and networks
 - Extent of individual and committee networking
 - Undertaking formal reviews of the effectiveness of the committee
 - Performance review of standards committee members

6. REPORT TO THE STANDARDS COMMITTEE OF THE 9TH FEBRUARY 2010 AT 7 P.M

INFORMATION TO A MEMBER IN RECEIPT OF A COMPLAINT

REPORT OF: TOM CLARK
Contact Officer: SOLICITOR TO THE COUNCIL AND MONITORING OFFICER
Email: TomC@midsussex.gov.uk Tel: 01444 477459
Wards Affected: All
Key Decision No

Purpose Of Report

1. To consider what information is given to the Member in receipt of a complaint following a decision to investigate that complaint either locally or by an Ethical Standards Officer of the Standards Board for England.

Summary

2. When it is decided to investigate a complaint the Member in receipt of the complaint is given a copy of the letter sent to the complainant and sometimes other parties outlining the complaint received and the decision made by the Assessment/Review Sub-Committee. Once the matter has been investigated a draft report may be prepared and this is checked with both the complainant and the Member in receipt of the complaint for factual accuracy. The final report is sent to the Monitoring Officer who in turn sends it to the Member in receipt of the complaint and Members of the Hearings Sub-Committee prior to the Hearing. This procedure is in accordance with the statutory background found in sections 57-63 of the Local Government Act 2000 as amended, the Standards Committee (England) Regulations 2008 and the Advice in the Local Standards Framework Guide for Authorities published by the Standards Board for England and updated at regular intervals.

Recommendations

3. **That the report be noted and Members consider whether any changes should be made to our approach while remaining compliant with the legislation and applicable guidance.**

Background

4. At the meeting of the Committee on 8th December 2009 the Committee considered the information given to Members in receipt of a complaint prior to the Assessment Sub-Committee considering the complaint. It was noted that the Member in receipt of the complaint is told the name of the complainant (except in exceptional circumstances), the relevant paragraphs of the code of conduct, the options available to the Assessment Sub Committee and the ability of the complainant to request a review of the Sub Committee decision if that decision is to take no further action.
5. Once a decision has been made to investigate a complaint either locally or by reference to the Standards Board for England, the Member in receipt of the complaint

receives a copy of that decision letter. The decision letter sets out the substance of the complaint (as a summons would do at the Magistrates Court) but does not discuss in any detail the evidence. If the decision is not to investigate the complaint the Member in receipt of the complaint gets a copy of the decision letter which gives a full summary of the complaint.

6. The appointed independent Investigator conducts their investigation. They will speak both to the complainant and the Member in receipt of the complaint but how they conduct their investigation is to a large extent a matter for them.
7. The Investigating Officer will then produce a draft report if the facts are complex or ambiguous, the facts of the case are disputed or it has been indicated that the draft report will be prepared. The draft report is sent to both to the complainant and the Member in receipt of the complaint for comment. Any comments received will be considered by the Investigator who will then prepare their final report.
8. The final report is sent to the Monitoring officer who in turn sends it to the Member in receipt of the complaint, the Members who are going to hear the complaint and the Standards Committee of any other Authority to which the complaint relates. The report is also made available to the complainant and other persons involved in the Hearing process.
- 9.

Financial Implications

None arising from this report.

Legal Implications

Section 57C of the Local Government Act 2000 as introduced by the Local Government and Public Involvement in Health Act 2007 requires the Standards Committee to take reasonable steps to give a written summary of the allegation to the person who is the subject of the allegation, but this is subject to regulations made by the Secretary of the State being the Standards Committee (England) Regulations 2008. Regulation 11 says that the duty under Section 57C does not arise at the time the complaint is received if the Standards Committee determines it would be contrary to public interest or would prejudice any person's ability to investigate the allegation. Section 63 of the Local Government Act 2000 says that while a matter is being investigated the substance of the information collected should not be disclosed unless there is a particular reason set out in that Section of why the information needs to be disclosed for other public interest reasons.