

5. STANDARDS FOR ENGLAND RECOMMENDATIONS FOR THE ANNUAL REPORT APRIL 2009 – MARCH 2010

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 bring before the Standards Committee the probable questions which the Standards for England Annual Return will require us to answer and ask for the comments of the Standards Committee on these questions, to consider the overall contents of the Annual Report, to consider where the Committee/Council is on the five topics of consideration and where the Committee/Council should aim to be by March 2011.
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Background

2. Members will recall that they considered the first Annual Report for April 2008 – March 2009 at the Standards Committee Meeting on 27th May 2009. This report was presented to Council in June 2009 by the Standards Committee Chairman. It is intended that the report, for April 2009 – March 2010, should be similarly presented to Council in July 2010 following consideration by your Committee on 8th June 2010.
3. A recent communication from Standards for England at Appendix 1 indicates that the Annual Return will be in five parts as follows:-

Part 1 – Communication
Part 2 – Influence
Part 3 – Training and Support
Part 4 – Investigations
Part 5 – Relationships with Parish and Town Councils.
4. **COMMUNICATION**
It is intended that we will prepare an annual report covering the topics set out in paragraph 2 of appendix 1. At present the Standards Committee does not have a forward work plan and you may wish to consider whether this should be included in the annual report?
5. The annual report is included in the relevant Council agenda and therefore goes to all Members, all Senior Officers and is also sent to the Clerks of the Town and Parish Councils. It also means it is available with the Standards Committee Papers on our website. It is not circulated to individual households but a press release could be issued.
6. The information on the District Council website has been updated and now appears under the section “Members’ Code of Conduct”. The appendices give advice about making a complaint and advice to a Member in receipt of a complaint. We do not currently have a complaint form but merely request people to explain their complaint in writing. Do Members wish to have a complaint form and require anybody wishing to make a complaint to use this complaint form?

7. We do not currently publish the outcome of Sub Committee Assessments and Reviews save for informing the complainant and the Member in receipt of the complaint and the Parish Council if this is relevant. The Committee are asked to consider whether additional publicity should be given when a decision has been taken not to investigate the matter, but our present process appears to work.
8. In 2009/10 we have not had any completed investigations or hearings. If we had done so there would be notice of a public meeting but it would not be our practice to publish the investigating officer's report. If there was a finding that the code had been breached we would publish this decision. At the present time we do not have a mechanism for measuring satisfaction with the process.
9. The work of the Standards Committee is set out in the Council's Constitution at Article 9 on page 23 which is on the Council's website. All Standard Committee Papers are on the website. Independent Members have attended other meetings of Mid Sussex District Council. Independent Members have also attended meetings of Town and Parish Councils. Town and Parish Councillors have been invited to a Code of Conduct training course, presented by an outside speaker. Standards Committee meetings are open to the public although attendance has been poor.

INFLUENCE

10. The Monitoring Officer is a Member of the Management Team. The Chairman of the Standards Committee has rights to address the Full Council. The Chairman of the Standards Committee intends to meet Group Leaders and Chief Executive. The Council has an Officers Code of Conduct at page 183 of the Constitution and a protocol for Member and Officer relationships at page 192 of the Constitution. These protocols would be used in connection with Member Officer disputes. Member/ Member disputes are usually dealt with through Group Leaders. Members are asked to consider what further protocols/mechanisms could be used in these areas.

TRAINING AND SUPPORT

11. Members are referred to appendix 2 which sets out the training and support given to Members between 1st April 2009 and March 2010. It also indicates the level of attendance.

INVESTIGATIONS

12. As previously noted the Council has not carried out any investigation 2009/10. One investigation has been conducted by Standards for England and should be completed shortly.
13. **RELATIONSHIPS WITH TOWN AND PARISH COUNCIL**
There have been no specific complaints in 2009/10 about the conduct of Town and Parish Councillors although the Monitoring Officer and Deputy Monitoring Officer have dealt informally with some local disputes and the Independent Members have attended Town and Parish Councils to explain the work of the Standards Committee. Town and Parish Councils have been invited to training on the Code of Conduct as explained above, but other training has been left to the Sussex Association of Local Councils. Members are asked for their suggestions on how we can liaise better with Clerks and Members of Town and Parish Councils in 2010/11.

Financial Implications

14. Preparing an Annual Report is a standard part of the work of a Standards Committee and there are therefore no financial implications arising directly from this report.

Legal Implications

15. If Standards for England feel that Standards matters are not being properly conducted at Mid Sussex District Council they do have powers of intervention. The cost of any such intervention would fall on the Council.

Annual Return

2010

This document is a list of the questions you will be asked in our 2010 Annual Return. The Annual Return will be an online form, accessible via our website. When we launch the online version you will be able to use the same login details that you use when accessing the quarterly return.

We have provided you with the questions early so that you can prepare in advance of the submission window, which will be either late March or early April 2010. An announcement containing the exact details of this will be made at a later date.

This will hopefully give you the opportunity to discuss the questions with your standards committee and other parties as necessary.

For those of you who completed last year's annual return, you will notice that only a handful of the questions are the same. We have made some significant changes to enable us to gather new information about how the local standards framework is functioning. There are 5 sections this year, communication, influence, training and support, investigations and a section only for authorities with parishes.

As with last year, the information you give us will feed into our Annual Review and we will be looking for items of notable practice to share with the standards community. We will once again be sharing your responses with the Audit Commission, to help inform their organisational "Use of Resources, Key Line of Enquiry" assessment.

When considering the questions, please refer to the guidance notes, as they will give you more details about the question and how to answer it.

If you are unsure about anything in this document, please contact our monitoring team on 0161 817 5300 or by emailing authorityreturns@standardsforengland.gov.uk.

PART 1: COMMUNICATION

The main roles of a standards committee are:

- to promote and maintain high standards of conduct by members
- to assist members in observing the Code of Conduct.

Your responses to this section will help us to collect examples of the different ways that standards committees communicate messages about ethical standards, both within the authority and to the wider public.

Annual Report

1) Does the standards committee produce an annual report?

YES/NO. If yes go to q2. If no go to q4

2) What does the report contain?

- A personal statement by the standards committee chairman
- Information about the members of the standards committee
- The role of the standards committee
- The standards committee terms of reference
- Information about the Code of Conduct
- Statistical information about complaints that have been received
- Information about the length of time taken dealing with complaints
- A summary of complaints which have led to investigation, sanction or other action
- Details about training/events provided
- The forward work plan of the standards committee
- Other (*You will be asked for more details if selected*)

3) How is the standards committee annual report circulated?

Note: If your return is not on the website please forward a copy to us. See the guidance notes for details.

- Sent to all senior officers
- Sent to all members
- Sent to parish/town councils (This is only displayed if your authority is applicable)
- Available on the authority intranet
- Available as a specific item on the authority website (You will be asked for the website address if selected)
- Available in the standards committee papers published on the authority website (You will be asked for the website address if selected)
- Included as a full authority meeting agenda item
- Publicised in local newspaper / press release
- Distributed to households
- Available at authority offices
- Not circulated outside of the standards committee
- Other (You will be asked for more details if selected)

Publicising Complaints

4) How can the public access information about how to make a complaint against a member?

- Through a 'compliments and complaints' type section of the council website (You will be asked for the website address if selected)
- Through the standards committee section of the website (You will be asked for the website address if selected)
- Complaints leaflets available from the authority
- Included as part of a council newsletter
- Advertised through parish councils
- Information is not available to the public
- Other (You will be asked for more details if selected)

5) How can the public access information about the outcome of initial assessment decisions?

- Written summary available for public inspection
- Press release issued for all initial assessment decisions
- Press release issued only if the subject member agrees
- Assessment decisions published on the authority website
- Articles published in the authority newsletter
- Other (You will be asked for more details if selected)

6) How can the public access information about the outcome of investigations?

- Hearings are open to the public
- Press release issued for all investigation outcomes
- Press release issued only if the subject member agrees
- Published on the authority website
- Decision notices are available for public inspection
- Articles in the authority newsletter
- Other (You will be asked for more details if selected)

7) Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant and witnesses.

YES/NO. If yes go to q8. If no go to q9

8) If yes, please can you describe the process?

Open question

Communicating the role and work of the standards committee and standards generally

9) What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?

- Dedicated standards committee pages on intranet
- Standards committee has its own newsletter / bulletin
- Standards committee issues briefing notes
- Articles in employee newsletter / bulletin
- Standards committee independent members **observe** other authority meetings
- Standards committee independent members **contribute** to other authority meetings (*a box will appear to ask for further details about what kind of contribution*)
- Other (*you will be asked for more details if selected*)

10) How can the public access information about your standards committee?

- Dedicated standards committee section on the authority website (*you will be asked for the website address if selected*)
- Within 'council and democracy' type section of website (*you will be asked for the website address if selected*)
- Ethical standards issues have been included in the local press / media
- Standards committee minutes, agendas, and reports are available to the public
- Leaflets and/or posters are placed in public buildings
- Places articles in the authority newsletter / bulletin / other publication
- Standards committee meetings are observed by members of the public
- Information is not available to the public
- Other (*you will be asked for more details if selected*)

11) What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?

Open question

PART 2: INFLUENCE

A key factor in creating a strong ethical framework in authorities is clear ethical leadership from leaders and chief executives, setting the tone for the rest of the organisation.

Your responses to this section will help us to understand how closely your standards committee works with political and officer leadership in the authority, and the ways in which the leadership encourages strong ethical standards.

12) How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

- Formal meetings between standards committee members and senior figures specifically set up to discuss standards
- Informal discussion on particular standards issues
- Senior figure attendance at standards committee meetings
- Monitoring Officer is a member of or attends Corporate Management Team (or equivalent) meetings
- Executive or senior member has portfolio responsibility for standards
- Chair (or other standards committee member) addresses full authority meeting(s)
- Other *(you will be asked for more details if selected)*

13) How do the senior figures in your authority demonstrate strong ethical values?

- Through a strongly promoted whistle-blowing policy
- By ensuring there are references to ethics in the authority vision / objectives
- Demonstrating appropriate behaviours
- Senior figure(s) makes personal commitment to standards in statements to public/employees
- Other *(you will be asked for more details if selected)*

14) Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

YES/NO

15) What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

- Informal discussion/mediation
- Monitoring Officer mediation
- Chair of standards committee mediation
- Senior figure mediation (e.g. Chief Executive)
- Advice from Human Resources department
- Solicitor / legal adviser consulted
- Informal hearing
- No mechanisms other than normal complaints process
- Other *(you will be asked for more details if selected)*

PART 3: TRAINING AND SUPPORT

A specific function of a standards committee is to train members on The Code of Conduct, or arrange for such training. A standards committee can also arrange training on the local standards framework. Your responses to this section will help us to form a view about what the most common topics and methods of training are so that we can share them with the rest of the standards community.

16) Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members in relation to their responsibilities on standards of conduct?

YES/NO. If yes, go to q18. If no, go to q17

17) If no, please give your reasons why?

Open question. Go to q19

18) If yes, what needs were identified?

- Introduction to the Code of Conduct
- Elements of the Code of Conduct
- The role and responsibilities of the standards committee
- Ethical governance/behaviour
- None

19) What training/support was provided during the period 1 April 2009 to 31 March 2010?

- Introduction to the Code of Conduct
- Elements of the Code of Conduct
- Role and responsibilities of the standards committee
- Ethical governance/behaviour
- Other (You will be asked for more details if selected)
- None (go to q25)

20) Who received training/support?

- Standards committee chair
- Independent members
- Other standards committee members
- All authority members
- Specific authority members with particular needs (e.g. new members, planning committee members)
- Other *(you will be asked for more details if selected)*

21) What methods were employed to give training/support?

- Internal training (presentations/seminars/workshops)
- External trainer/speaker
- One on one training
- Joint/regional training event
- Online learning
- Guidance notes/briefing materials
- Standards for England materials
- Ethical governance toolkit
- Other *(you will be asked for more details if selected)*

22) In which areas of the Code of Conduct has training/support been provided?
(Only displayed if 'elements of the Code of Conduct' is selected at q19)

- Respect
- Personal/Prejudicial Interests
- Use of resources
- Bullying
- Disrepute
- Predisposition, Pre-determination and bias
- Equality
- Confidentiality
- Other *(you will be asked for more details if selected)*

23) What other training/support has been provided on areas of an authority member's role or activities they may engage in?

- Chairing skills
- Lobbying
- Predetermination, Predisposition and bias
- Blogging and/or the use of social media
- Electioneering
- Freedom of Information (FOI)
- Other *(you will be asked for more details if selected)*
- None

24) In general, how well attending was the training provided?

- 75% or more of those invited
- 50-75%
- 25-50%
- 0-25%

25) Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?

Open question

26) In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members? Please tick all that apply. (Only displayed if 'role and responsibilities of the standards committee' is selected at q19)

- Initial assessments
- Other action/mediation
- Reviews
- Investigations
- Hearings
- Sanctions
- Other *(you will be asked for more details if selected)*

PART 4: INVESTIGATIONS

27) How many investigations have been conducted during the period 1 April 2009 – 31 March 2010?

Enter number

If the answer is '0', go to q33 (only if your authority is parished). If you do not have parished you will have completed the questions.

If the answer is '1' or more go to q28

28) Of the investigations completed during the period, for how many have external investigators been used?

NOTE: This includes employees of other authorities

Enter number

29) Overall, what was your principle reason for out-sourcing the investigation(s)? (*Only appears the number given in question 28 is more than 0*)

- Impartiality
- Lack of staff resources
- To complete the investigation sooner
- Skills required
- Cost
- Other (*you will be asked for more details if selected*)

30) What type of external investigator(s) did you use?

- Employee of another authority
- Self-employed investigator
- Private law firm
- Other (*you will be asked for more details if selected*)

31) For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s)?

Open question (for an amount)

32) Please provide a brief overview of the processes you have in place to ensure the quality of local investigations.

Open question

PART 5: RELATIONSHIPS WITH PARISH AND TOWN COUNCILS

(You will only be asked these questions if your authority has parishes)

We recognise the value of the vital role parish councillors play in representing their communities. Your responses to this section will help us to build a clearer picture of the level of support and communication between principle and parish/town councils.

33) Has your authority provided training for parish councillors during the period 1 April 2009 to 31 March 2010?

YES/NO. If yes go to q34. If no go to q37

34) If yes, what topics did the training cover?

- Freedom of Information (FOI)
- Confidential information
- Planning
- Lobbying
- Dual-hatted members
- The Code of Conduct generally
- Personal and prejudicial interests
- Bullying
- Other *(you will be asked for more details if selected)*

35) What methods were employed to give training/support?

- Internal training (presentations/seminars/workshops)
- External speakers
- One on one training
- Joint/regional event
- Guidance notes/briefing materials
- Standards for England's materials
- CALC speakers
- Part of wider parish liaison meeting

Other *(you will be asked for more details if selected)*

36) In general, how well attended was the training for parish councillors?

- 75% or more of those invited
- 50-75% of those invited
- 25-50%
- 0-25%

37) Has your authority provided training for parish clerks during the period 1 April 2009 – 31 March 2010?

YES/NO If yes got to q38. If no go to q41

38) What topics did the training for parish clerks cover?

- Freedom of Information (FOI)
- Working with confidential information
- Planning
- Lobbying
- Dual-hatted members
- The Code of Conduct generally
- Personal and prejudicial interests
- Bullying
- Other *(you will be asked for more details if selected)*

39) If yes, what methods were employed to give training/support to parish clerks?

- One on one training
- Internal training (presentations/seminars/workshops)
- External speakers
- Guidance notes/briefing materials
- Standards for England's materials
- Joint authority/regional event
- Other *(you will be asked for more details if selected)*

40) In general, how well attended was the training for parish clerks?

- 75% or more of those invited
- 50-75% of those invited
- 25-50%
- 0-25%

41) Does your council have a COMPACT (a formal agreement with your county Association of Local Councils about supporting standards for parish and town councils in the area)?

YES/NO

42) Describe the relationship between your authority and your County Association of Local Councils in relation to standards. For example, how regularly do you interact with them? Are you involved in delivering joint training?

Open question

43) Standards for England and Teesside University are currently researching the role of the Parish Liaison Officer. Teesside University have created a brief questionnaire to assess the organisational background, functions and skills needed to carry out the Parish Liaison role. Does your authority have a Parish Liaison Officer?

YES/NO/No but there is someone who fulfils the same functions

If yes or someone who fulfils the same functions go to q44. If no go to q45

44) Does the Parish Liaison Officer (or the person who fulfils the same functions) consent for the University of Teesside to contact them to complete a brief questionnaire about their role?

YES/NO If yes you will be asked the details below. If no go to q45.

If yes, please provide contact details (where there are multiple Parish Liaison Officers, just provide one contact):

Name:

Contact address:

Contact phone:

Email address:

45) What steps have you taken when dealing with parishes which have had problems with standards issues? For example, what preventative or capacity building work have you done with parishes?

Open question

46) Which of the following areas would you like Standards for England to produce additional guidance on to support your work with parishes?

- Lobbying
- Predetermination and bias
- Planning and interests
- Dual-hatted members
- Other (*you will be asked for more details if selected*)

Attendance to date

Training	Planning Training on New Costs Circular	Licensing	Chairing Skills and Effective Meetings	Outlook Training	Outlook Training	Outlook Training	Guidelines on Budget Preparation	Standards Training	Probity in Planning	Climate Change Training	Planning Enforcement	Service Planning	Planning Seminar
Date	20-May	10-Jun	23-Jun	29-Jun	30-Jun	13-Jul	15-Jul	21-Jul	29-Jul	07-Oct	03-Nov	01-Dec	02-Dec
Ash-Edwards, Mr J.					☺				☺		☺		☺
Baker, Mrs M.	☺	☺				☺			☺			☺	☺
Balls Mrs I	☺		☺			☺			☺		☺	☺	☺
Balsdon, Mrs E.	☺						☺		☺			☺	
Barnett, Mr S.	☺								☺				
Barrett-Miles, Mr A.							☺		☺		☺	☺	
Bates, Mr R.	☺	☺		☺					☺		☺	☺	
Belsey, Mr J.													
Bennett, Mrs L.													
Binge, Mrs B.													
Brock, Mr A.		☺	☺	☺								☺	
Brunsdon, Mrs H.													
Callaghan, Mr J						☺			☺		☺		☺
Chapman, Mr C.						☺			☺				☺
Cutler, Mr P.						☺			☺				☺
Dixon, Mr I.													
Dumbovic, Mrs K.	☺	☺	☺	☺					☺	☺	☺		☺
Field, Mrs G.											☺		
Gillbard, Mr B.	☺	☺	☺	☺					☺	☺	☺		☺
Glynn, Mrs J.													
Hall, Mr B.													
Harrison, Mrs S.	☺											☺	
Hatswell, Mrs D.													
Hatton, Mrs S.	☺	☺	☺	☺							☺	☺	
Henry, Mr P.	☺								☺				☺
Henwood, Mrs J	☺	☺	☺	☺			☺		☺	☺	☺		☺
Hersey, Mr C.	☺			☺		☺			☺		☺		
Hersey, Mrs M.				☺						☺		☺	☺
Jerrey, Mr C.													
Jones, Mrs A.						☺			☺				☺
Joyce-Nelson, Mr J.													
Keel, Mrs J.	☺	☺	☺	☺					☺		☺	☺	
Kemp, Mrs S.		☺					☺						
King, Mr E.						☺						☺	
Knight, Mr G	☺		☺						☺				
Landriani, Mrs J.			☺	☺			☺			☺	☺	☺	☺
Lea, Mr A.													
Livesey, Mr M.			☺			☺		☺		☺	☺	☺	☺
MacNaughton, Mr A.					☺						☺		☺
Marples, Mr G.	☺		☺			☺					☺	☺	☺
Marsh, Mr G.								☺					
Martin Mr P											☺		
Matthews, Mr E.	☺				☺							☺	
Moore, Mrs P.					☺		☺			☺	☺		
Pearce, Mr I.													
Reed, Mr P.		☺				☺						☺	☺
Ross, Mrs H.		☺				☺			☺		☺	☺	☺
Seward, Mrs S.					☺			☺					
Snowling, Mr C.										☺		☺	☺
Temple-Smithson J.	☺										☺		
Thomas-Atkin, M.		☺			☺		☺				☺		
Thorpe, Mr J.		☺	☺		☺				☺				
Wall, Mr G.	☺												
Watts, Mr M.	☺					☺		☺			☺		
Totals	19	13	12	10	7	13	7	4	19	7	22	19	18
					248								
										Parish Councils			
										N. Thomas			✓
										C. Rolley			✓
										I. Simpson			✓

