

5. The Standards Committee Annual Report for 2009/2010

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 bring before the Standards Committee the draft annual report for the Standards Committee 2009/10 and to ask Members to consider any changes or additions required.

Recommendations

2. **To consider the annual report and to make any changes and additions and then refer the finalised report to Council on the 21st July 2010.**
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Background

3. Members are referred to the draft annual report for April 2009 to March 2010 at appendix A to this report. The report is in the format recommended by Standards for England. Members are requested to make any changes or additions to this report for presentation at Council on 21st July 2010 by the Standards Committee Chairman.
4. The Report will be published in full in the Council agenda and therefore go to Town and Parish Councils in the Mid Sussex District.

Financial Implications

5. There are no financial implications arising as a result of preparing the annual report.

Legal Implications

6. The Council has to report its Standards Committee activities to Standards for England which includes preparing an annual return. In that annual return we are asked to confirm that we do have an annual report to Standards Committee that in turn that this is circulated more widely within the Council and also on our website. Members will know that all reports of the Council and its Committees and groups are reported on the Council website. A failure to run a fit for purpose "Standards" function in Mid Sussex could result in Standards for England taking intervention action at the cost of Mid Sussex District Council

APPENDIX A.

Standards Committee Annual Report 2009/10

Mid Sussex District Council

Introduction by the Independent Chairman of the Standards Committee

I was first elected as chairman of the Standards Committee in July 2007, and three other new independent members were appointed shortly thereafter. The main objectives of the committee in the ensuing period were to rebuild confidence in the fairness of the complaints adjudication system and to ensure that we had in place arrangements for handling future complaints that would be robust enough to cope, without unreasonable delay, with the demands that we might face following the introduction, in May 2008, of the new system for the local assessment of complaints. This replaced the previous system, under which complaints that a district, town or parish councillor had failed to comply with the Code of Conduct were initially assessed by the Standards Board for England (a body now known as Standards for England).

In the event the number of complaints dropped from an average of 12 per year pre-2007 to around half that level; and, as will be seen from the main body of this report, that trend has continued in 2009-10. The four independent members have taken it in turns to chair the sub-committees of three appointed to carry out the initial assessment of each complaint and, when required, to review the assessment decision. We have undertaken training on the assessment process, based on materials provided by Standards for England. I, or one or more of my fellow independent members, have also ensured that Mid Sussex DC has been represented at every meeting of the twice-yearly regional Forum of Independent Members of Standards Committees covering Hampshire, Isle of Wight, East Sussex, West Sussex and Surrey. This has proved to be a useful way of benefiting from a wider range of experience. It has also enabled us to learn something about proceedings at the big annual conference organised in Birmingham by Standards for England without incurring the considerable expense of attending it in person.

As the report states, the committee has only once in 2009/10 thought it necessary to refer any complaint for investigation, and no case gone as far as a formal hearing. But, against the likelihood that this will eventually prove necessary, it is an objective for the coming year for committee members to undertake training in the demanding and sometimes stressful task of undertaking a public hearing into a councillor's conduct in the presence of the councillor concerned.

Apart from adjudicating on any complaints that are received, it is the duty of a Standards Committee to encourage observance of the Code of Conduct and thereby, it is to be hoped, reduce the potential for future complaints. The report describes the training that has been provided with that aim in mind. In addition, I have addressed meetings of each of the three Town Councils in the district, and other independent members have addressed a meeting of the Mid Sussex Association of Local Councils and of a parish council. I have also sought to increase the visibility of the Standards Committee by attending occasional meetings of the District Council and its Cabinet.

The underlying purpose of the Code of Conduct and the statutory system of standards is to sustain the public's confidence in the integrity of local government, and the Standards Committee should play its part in that endeavour. It is our objective in the coming year to increase public awareness of the committee and its work, so far as is reasonable and practicable .

I am grateful to all the councillors who have served on the Standards Committee during 2009-10; to my fellow independent members for their conscientiousness and support; and in particular to my deputy chairman, David Brown, for standing in for me during my occasional absences. The work of the committee evolves over time with changes in the legislation and statutory guidance. I am satisfied we have the necessary personnel and resources in place to carry out our functions in relation both to Mid Sussex District Council and the Town and Parish Councils within its boundaries.

Sir Roger Sands

April 2010

The Standards Committee

The standards committee is composed of 12 members, being 5 District Council members, 4 independent members of the Authority (who chair all meetings of the standards committee and its sub-committees) and 3 parish/town council members who are particularly involved in town/parish council complaints and issues. Following a number of changes in the elected membership during the year, the members of the committee as at 31 March 2010 were District Councillors Marples , Ross, Seward, Snowling and Watts, Parish/Town Councillors Forbes, Goddard and Webster and independent members Brown, Church, Sands and Swainson.

The responsibilities of the standards committee are set out in Article 9 of the Mid Sussex District Council Constitution at page 23 and are in summary to promote high standards of ethical behaviour among District and Town/Parish Councils, to provide advice on changes in the Members' Code of Conduct and to act as the body that deals with the complaints received, and the hearing of any complaints that go as far as an investigation and hearing.

The full committee meets quarterly, and sub-committees, to assess or review complaints, meet as and when necessary. In 2009/10 there were seven such sub-committee meetings.

The Members' Code of Conduct.

The Members' Code of Conduct is set out at page 173 of Mid Sussex District Council's Constitution and follows the model Code of Conduct contained in statutory instrument 2007 No.1159 entitled "The Local Authorities (Model Code of Conduct) Order 2007". This is the Code of Conduct that has applied throughout the period of this annual report but the Code of Conduct can be amended by statutory instrument from time to time. The District Council applies the full Code of Conduct and it is similarly applied in full at most Town/Parish Councils. Any variations are only minor.

The present Code of Conduct only applies to members when acting in that capacity. The Code of Conduct is based on the ten Nolan principles of public service, these being:-

1)

Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2) **Honesty and Integrity**

Members should not place themselves in situations where their honesty or integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

3) Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

4) Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

5) Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

6) Personal Judgment

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

7) Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

8) Duty to uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

9) Stewardship

Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

10) Leadership

Members should promote and support these principles by leadership, and by example, and should act in the way that secures or preserves public confidence.

The Code of Conduct translates these principles into detailed provisions which are applied strictly in accordance with their wording.

Complaints Received

In 2009/10 the Council received 5 separate complaints.

The first complaint was from a member of the public alleging that an elected district councillor had been rude on the telephone and had taken hospitality from an organisation with whom the Council had a contract.

The complaint was received on 6th May 2009 and dealt with on the 1st June 2009. The contract had already been concluded when the member attended a function at the Local Government Conference attended by other Councillors and Officers across the country and the hospitality had been properly declared. It was concluded that it was not in the public interest for the complaint to be investigated.

The second complaint was from a member of the public against an elected district councillor. It involved an allegation that a councillor had taken part in a planning meeting when they had a prejudicial interest in that planning application. The complaint was received on the 15th June 2009 and was considered on the 6th July 2009. The decision was that it was not in the public interest for the complaint to be investigated. The complainant requested a review of this decision on the 23rd July 2009 and this was considered on the 8th September 2009 (beyond the normal 20 working days limit because of the intervention of the holiday period in August 2009). The review sub-committee agreed with the conclusion that the complaint did not require an investigation.

The third complaint was both from a local resident and a parish council against a district councillor attending at a planning meeting, where the complainants felt that the councillor had a prejudicial interest rather than only the personal interest which she declared. The complaint was received on the 11th October 2009 and considered on the 2nd November 2009. In all the circumstances of the complaint the sub-committee felt that the matter should be investigated by Standards for England. The matter was accepted for investigation by Standards for England and the matter was investigated by an ethical standards officer, who reached the conclusion that the member had correctly declared a personal interest only. This report of the 8th March 2009 was considered by a standards sub-committee on the 17th March 2009 and the conclusion of the ethical standards officer was accepted. A summary of the findings of the ethical standards officer now appears on the web site of Standards for England.

The fourth complaint was by a member of the public against a district council member. The basis of this complaint was an allegation of disrespect by the elected member and religious discrimination. The complaint was received on the 10th November 2009 and considered on the 2nd December 2009. The Assessment Sub committee concluded that neither allegation was justified by the papers before them.

The fifth complaint was by an elected district council member against an elected parish council member. The complainant alleged bullying and a level of disrespect. The Assessment sub committee saw no pattern of behaviour to justify the complaint of bullying and although they considered that tone of the relevant e-mail was in some respects inappropriate, they concluded on the overall facts of the case that it was not in the public interest for the matter to be investigated.

In 2008/09 (from 8th May 2008) the Committee assessed 4 complaints, and 3 of these assessment decisions were subsequently taken to review. Since then the sub-committees have tried to make their decision letters more comprehensive to reduce the level of review requests and this appears to have been successful: only one of the 4 possible cases was taken to a review in 2009/10.

Budget

The Standards Committee has a budget of £10,000.00 per annum should any complaints require the appointment of an outside investigator.

Training

The Council has had a comprehensive training programme in 2009/10 and this has included training on both the Code of Conduct with particular emphasis on personal and prejudicial interests and on the legal concept of bias and predetermination. Town/Parish Councillors and Clerks joined members of the District Council at the training held in February 2010 with an outside speaker.

The Standards Committee itself undertook training based on a DVD produced by Standards for England under the title "Assessments made clear".