

Report to: **Standards Committee**

Date: **13 April 2011**

Title of report: **Annual Report of the Standards Committee**

By: **Director of Governance and Community Services**

Purpose of report: **To provide an update on Member Conduct issues, the work of the Standards Committee and the Monitoring Officer.**

RECOMMENDATIONS

The Standards Committee is recommended to

- 1) note the report; and**
 - 2) recommend to County Council the Annual Report of the Standards Committee for consideration**
-

1. Financial Implications

1.1 There are no financial implications to this report.

2. Background information

2.1 In July 2007 the revised Code of Conduct was adopted by the Council, and all Members were offered training on the new Code. Additionally, the Local Government and Public Involvement in Health Act 2007 introduced changes to ethical standards, which placed additional responsibility on the Standards Committee locally for dealing with complaints of breach of the Code of Conduct.

2.2 In December 2008 the Standards Committee agreed the assessment criteria that would provide additional support and guidance for the assessment and review Sub-Committees when considering complaints.

2.3 Between 1 April 2010 and 31 March 2011 there were four complaints received against Members of the County Council (see Appendix 1). These complaints were considered by the Assessment Sub Committee. It was decided that the complaints did not constitute a breach of the Code and therefore required no further action. There were two requests for reviews of decisions made by the Assessment Sub Committee. These requests were considered by the Review Sub Committee. In both cases it was considered that there had been no breach of the Code of Conduct and therefore required no further action. The decision notices are attached under agenda item 1.

2.5 It is considered that the standards of conduct among Members and co-opted members of the Council remain high and maintaining good standards is taken seriously. There were only two cases considered by the Assessment Sub-Committee in the period covered by this report, in comparison to four in the previous period. In comparison to neighbouring authorities our levels of complaints received are relatively low. (See Appendix 2)

3. Applications for Dispensation

3.1 In limited circumstances, Members can apply in writing to the Standards Committee for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. In the period between the last report in May 2010 to date, there have been no applications for dispensations.

3.2 All dispensations are entered on the register of Members' interests and remain there for the appropriate period, normally for 4 years from the date on which they were granted, or (if shorter) until the date fixed by the Committee granting the dispensation.

4. Register of Members' Interests

4.1 The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned their registers and are reminded every six months of the need to notify the Monitoring Officer of any changes. The registers are available for public inspection and details are also available on the website.

4.2 A register of Gifts and Hospitality is also maintained by the Monitoring Officer. During the period of this report five Members have had cause to register one or more gifts and hospitality received with an estimated value of £25 or more.

4.3 There is an ongoing requirement to keep the information up to date. Councillors must within 28 days of becoming aware of any new registerable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

5. Training

5.1 Members were offered training on the Code of Conduct in June 2009, although this was not taken up by all Members. Training attendance is a factor to be considered in any complaint. At the last meeting of the Standards Committee Members acknowledged the need for further Code of Code training for Councillors, particularly as there had been low take up in the past. However it was recognised that due to the coalition Government Policy programme, which includes the measure that the Standards Board regime is to be abolished, it would be best to wait to see what was actually proposed before further training was offered.

6. Recommendations

6.1 The Committee is recommended to note the report and to recommend to County Council the Annual Report of the Standards for consideration.

PHILIP BAKER
Assistant Director, Legal and Democratic Services

Contact Officer – Andy Cottell, Democratic Services Manager (01273 481955)

Local Members: All

Background Documents: None

Appendix 1

Complaints received by the Standards Committee 1 April 2010 to 31 March 2011

Reference	Date Received	Type and Date of Sub Committee	Complainant	Summary of Complaint	Assessment Outcome	Review Outcome	Resolved
SC.002.10	27 April 2010	Review 26 May 2010	Member of the public	Non declaration of an interest and using influence		No further action	Yes
SC.003.10	14 April 2010	Review 26 May 2010	Member of the public	Disclosure of information		No further action	Yes
SC.004.10	30 March 2010	Assessment 26 May 2010	Member of the public	Failure to respond to an email	No further action	Not applicable	Yes
SC.001.11	20 January 2011	Assessment 14 March 2011	Member of the public	Disrespectful and failed to address the points raised in an email.	No further action		

Type of Council	One authority is completing their Monitoring Officers Annual report to the Standards Committee, and would like to know how many complaints comparator authorities have received. Please complete the following table. Comparator Authorities Complaints received by their Standards Committees 1 April 2010 to date.				
	Period Covered	Number of Complaints	Summary of Complaints	Assessment Outcome (Action taken)	Number of Reviews and Outcome
County	April 2010 to March 2011	3	All failure to treat with respect.	2 no further action; 1 – other action.	
County	1 April 2010 to 7 March 2011	3	All relating to the conduct of Councillors	1 "Other" (process of conciliation); 2 "No Action" (already disposed of as related to prior case); 3 "Monitoring Officer Review"	1 review, currently underway.
County	1 February 2010 to 28 February 2011	1	Failure to declare the receipt of hospitality valued at more than £25.	No action	No review requested
County	Committee has not received any complaints about member conduct since April 2010. As a County Council we do not deal with complaints about parish councillors, this is carried out by the relevant district council.	0			
District/Borough	1 April 2010 to date	3	Discourteous remarks by parish council chairman at parish meeting.	Assessment Sub-Committee (ASC) had previously considered this complaint in January 2010 and referred it for an initial investigation as the details of the allegation were unclear. ASC was asked at this meeting to review the position in the light of the initial investigation. ASC decided not to refer the matter for a formal investigation. Review requested but matter has not yet been determined.	
			Failure by (now former) district councillor to declare a prejudicial interest at a planning committee.	Report Sub-Committee considered the investigation report and referred the matter to the Hearing Sub-Committee for consideration and determination Hearing Sub-Committee meeting held on 19 November 2010 (original date of 17 September 2010 postponed at request of subject member's solicitors.	Complaint upheld and former member censured.
			Failure by district councillor to treat applicant at planning committee with respect.	ASC to consider shortly	
District/Borough	April 2010 to March 2011	3	Paras 3 and 5 code of conduct.	2 no further action; 1 – other action recommended, apology made.	1 – upheld assessment sub decision.
District/Borough	1 April 2010 to date	3	1 related to conduct at a parish council meeting, information contained within parish council literature and a political magazine covering the area. (Involved 4 parish councillors)	Not progressed to second stage / no investigation undertaken as Code of Conduct not felt to have been breached.	No review / appeal made.
			1 related to a Borough Councillor's conduct in a public house within the Borough.	Investigation undertaken, taken to a hearing.	Findings of investigation upheld in part. Letter of apology issued to complainant and Member undertook further Code of Conduct training.
			1 related to a Parish Councillor's conduct / behaviour at a Parish Council meeting	Not progressed to second stage / awaiting to see if complainant appeals this decision.	
District/Borough		0			
District/Borough		0			
District/Borough	2009 to 2010	5	Mostly from members of the public and Parish Councillors about the failure of District Members to declare prejudicial interests at planning meetings	4 no case to answer, 1 referred to Standards Board for England	1 that the District Council Member had correctly declared a personal interest only
District/Borough	1 April 2010 to date	17	16 cases related to a town/parish council, 1 related to a Borough Councillor.	2 complaints were referred to the Monitoring Officer for investigation and reported back to a Sub-Committee who took no further action. The Sub-Committees resolved to take no further action on the other 15 complaints.	The Appeals Sub-Committee have considered 5 appeals and resolved that no further action be taken.
District/Borough	1 April 2010 to 1 March 2011		Allegation of bringing office or authority into disrepute, using position to secure an advantage for the member, failing to declare personal and prejudicial interest - member alleged to have used his position as a member to get planning enforcement officers to investigate an alleged breach	To be investigated	
District/Borough	May 2010 to date	8	Failure to declare prejudicial interests at meetings.	Referred to MO for further action.	None
			Decision making process improperly followed.	No further action.	
			Not treating members with respect.	Referred for investigation.	
			Disclosing confidential information.		
			Bringing Council into disrepute.		
District/Borough	1 April 2010 to 8 March 2011	22	19 regarding Parish Councillors; 3 regarding District Councillors	17 – No action; 3 – other action; 2 – investigation	10 all wrt Parishes and all resulted in no action
Unitary	1 April 2010 to date	1	That a Councillor bullied / intimidated and pressured a resident.	Investigation	N/a as investigation not yet completed.
Unitary	1 January 2010 to 1 December 2010	11		7 investigated, 2 other action taken and 2 - cases no further action	1 nfa review and no further action was taken after the review