

Public Document Pack



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Our ref:
Ask For: Louise Caffery
Direct Dial: (01843) 577207
Email: louise.caffery@thanet.gov.uk

STANDARDS COMMITTEE

1 DECEMBER 2009

A meeting of the Standards Committee will be held at **6.00 pm on Tuesday, 1 December 2009** in the Austen Room, Cecil Street, Margate, Kent.

Membership:

Councillors: Day, Ms Green, King, Lawson, R Nicholson, M Tomlinson and Mrs Wiltshire

Parish Councillors; Mrs C Buchanan, D Neville and R Wade

Independent Members; R Hills (Chairman), B Hinchley (Vice-Chairman), Mrs L Frampton and Mrs M Sarrafan

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

To receive any declarations of interest. Members are advised to consider the extract from the Standard Board Code of Conduct for Members, which forms part of the Declaration of Interest Form at the back of this Agenda. If a Member declares an interest, they should complete that Form and hand it to the Officer clerking the meeting.

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 4)

To approve the Minutes of the Standards Committee meeting held on 9 September 2009 copy attached.

4. **CHAIRMAN'S REPORT** (Verbal Report)

5. **REPORT FROM ANNUAL ASSEMBLY** (Verbal Report)

6. **BLOG PROTOCOL** (To Follow)

7. **STANDARDS COMPLAINTS STATISTICS** (Pages 5 - 8)

8. **STANDARDS FOR ENGLAND ANNUAL RETURN 2008/09** (Pages 9 - 44)

Standards for England Annual Return and Example Directions attached for information.

Item
No

Subject

9. **EXCLUSION OF PUBLIC AND PRESS**

The Standards Committee is recommended to pass the following resolution:

“Resolved that, under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds they involve likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act.”

10. **TDCSC26/09**

Monitoring Officer report to follow

Declaration of Interest form - back of agenda

STANDARDS COMMITTEE

Minutes of the meeting held on 8 September 2009 at 6.00 pm in Austen Room, Cecil Street, Margate, Kent.

Present: Mr Robin Hills (Chairman);
Councillors: Day, Ms Green, King, Lawson, R Nicholson and Mrs Wiltshire
Parish Councillors; Mrs C Buchanan and Neville
Independent Members; Mr B Hinchley (Vice-Chairman)

In Attendance: Harvey Patterson, Head of Legal and Democratic Services
Louise Caffery, Standards Officer

79. APOLOGIES FOR ABSENCE

No apologies for absence received

80. DECLARATIONS OF INTEREST

There were no declarations of interest.

81. MINUTES

Minutes of the previous meeting accepted and signed

82. TRAINING

The committee noted that the council had not allocated a budget for standards training.

Moved by Cllr Z Wiltshire, seconded by Mrs L Frampton

Resolved:

- 1 The report be noted
- 2 That all members of the committee attend the training on 30/09/09 (two apologies currently)
- 3 That the Monitoring Officer reports to Council on 15 October 09 as set out in Paragraph 1.4 of the report.

83. DRAFT PROTOCOL ON BLOGGING

The report was presented by the Monitoring Officer. It is an officer led consultation document in two parts: 1-4 Guidance, Part 5, Protocol. The initial work was commissioned through Solace and amended by Harvey Patterson. Its core intention is to stem the Cllr on Cllr complaints which ultimately damage the Council and public trust in the Council. The guidance outlines a process to resolve complaints initially within party groups before moving to a formal complaint should that route prove unsuccessful, reserving the standards process for members of the public. If implemented successfully then there would be considerable cost savings in investigating complaints.

After discussion the majority of the committee requested the Monitoring Officer to remove Paragraph 5:11 from the report.

The standards committee were asked to note that the Labour Group had no control over their blogging members. The members were acting as individuals, not Labour Councillors. The Monitoring Officer offered to attend the Group Meeting when the draft Protocol was on the agenda.

The Monitoring Officer was requested to expand the Protocol to include advice on social networking sites such as Facebook. Younger councillors appointed at future elections may seek guidance.

Proposed by B Hinchley, Seconded Cllr R Nicholson

Resolved:

- That the report be received (one abstention)
- That the guidance be noted (unanimous)
- That the protocol should be forwarded to Group Leaders for comment (having first taken out 5:11) (unanimous)
- That the Protocol should be brought back to the Standards Committee for further consideration at the 2 December 09 meeting. (unanimous)

84. LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REPORT - THANET

The committee noted the LGO Annual Report

85. CLLR DAY JOINED THE MEETING

86. ASSESSING THE IMPACT & EFFECTIVENESS OF THE ETHICAL FRAMEWORK IN LOCAL GOVERNMENT IN ENGLAND, INTERIM REPORT

The committee noted the correlation between Local Authorities who had fewer complaints/breaches of the code, also had more training and better public perception scores.

87. CODE OF CONDUCT COMPLAINT STATISTICS

Moved by Cllr Neville, Seconded by B Hinchley

Resolved: the code of conduct statistics noted.

88. OTHER ACTION GUIDANCE

The committee were asked to note that 'Other Action' was a disposal – the end of the complaint. The new guidance suggests that the Sub-committee should adjourn their assessment meeting to see if the subject member would accept 'other action'. This would leave the committee other alternatives if the subject member did not accept 'other action'.

The committee were asked to note that training could be 'Other Action' and was also a sanction at determination. However, training was rarely used in isolation as a sanction; it is usually in combination with other sanctions.

Recommendations 6.1 and 6.2: Proposed Cllr Lawson, Seconded Cllr Wiltshire.
Resolved to accept recommendations 6.1 and 6.2 (unanimous)

Recommendation 6.3: Proposed by Cllr Neville, Seconded Cllr Wiltshire
Resolved: to accept Recommendation 6.3 (unanimous)

89. EXCLUSION OF PUBLIC AND PRESS

That the public and press be excluded from the meeting on agenda items 11 and 12 as they contain exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972 (as amended).

Proposed Cllr Lawson, Seconded B Hinchley

Resolved: The committee to move into private session

90. TDCSC20/09

The Chairman called for a 5 minute recess to enable committee members to read the document sent to them from Cllr Mark Nottingham in response to a decision notice he had received.

Moved by Cllr Neville, Seconded by Cllr Day

Resolved: The committee are satisfied with the outcome.

One against
One abstention
All others in favour.

91. TDCSC17/09

The committee received the Investigator's report.

Moved by Cllr R Nicholson, Seconded by Cllr Dennis Neville

Resolved: That complaint TDCSC17/09 be considered at a hearing conducted by the Standards Referrals and Hearings Sub-Committee.

1 against
All others in favour.

92. DATE OF NEXT MEETING

2 December 2009, at 6.00pm in the Austin Room.
Apologies from Cllr Neville (Parish Council Meeting).

Meeting concluded : 8.10 pm

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Agenda Item 7

CODE OF CONDUCT COMPLAINT STATISTICS - NOV 2009

1 COMPLAINTS OPEN AND CLOSED	
	Number
Complaints Received 2008/9 (1 May 2008 to 30 Sept 2009)	26
Complaints Received 31 September 2009 to date	10
Current 'live' Complaints	12
Number of Complaints closed in the preceding 3 months	2

2 COMPLAINTS BY IDENTITY OF COMPLAINANT		
Complainant	Subject Councillor	Number
Member of the Public	Parish Councillor	4
Member of the Public	District Councillor	5
Company/Business Owner	Parish Councillor	0
Company/Business Owner	District Councillor	1
Parish Councillor	Parish Councillor	4
Parish Councillor	District Councillor	2
District Councillor	Parish Councillor	0
District Councillor	District Councillor	20
Officer of TDC	District Councillor	0
Other e.g. Press/Clerk to Parish Council/ Member of KCC/ PCT etc.	District Councillor	0
Other	Parish Councillor	0

CODE OF CONDUCT COMPLAINT STATISTICS - NOV 2009

3 COMPLAINTS BY NATURE OF ALLEGED BREACH *	
Alleged Breach	Number
Failing to treat a person with respect.	10
Causing Council to breach equality enactments	3
Bullying.	9
Intimidating any person involved in the investigation of, or proceedings relating to, a complaint	0
Doing something to prevent those who work for the Council from being fair minded and unbiased.	0
Revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law.	0
Damaging the reputation of their office or the Council where their conduct is linked to their public role and not in their private life.	29
Using their position improperly, to their own or someone else's advantage or disadvantage	11
Misusing the resources of their Council	0
Allowing the Council's resources to be misused for the activities of a registered political party.	0
Failing to register financial or other interests	1
Failing to reveal a personal interest at a meeting.	5
Participating in a meeting where they have a prejudicial interest.	1
Improperly influencing a decision about a matter that they have a prejudicial interest in	1
Failing to register any gifts or hospitality (including its source) that they received in their role as a member or because they were a member, worth over £25	0
<p>* NOTE Some complaints may allege more than one breach of the Code so the number of alleged breaches is likely to exceed the number of complaints.</p>	

CODE OF CONDUCT COMPLAINT STATISTICS - NOV 2009

4 "COUNCILLOR ON COUNCILLOR" COMPLAINTS BY POLITICAL PARTY (DISTRICT COUNCIL ONLY)		
Complainant	Subject Councillor	Number
Conservative	Conservative	0
Conservative	Labour	10
Conservative	Independent	0
Labour	Conservative	10
Labour	Labour	0
Labour	Independent	1
Independent	Conservative	0
Independent	Labour	0
Independent	Independent	0

5 COMPLAINTS : NO FURTHER ACTION AT ASSESSMENT	
Number of complaints assessed as no further action	13

6 COMPLAINTS REFERRED TO MO FOR OTHER ACTION	
Number of referrals	5

7 'OTHER ACTION'	
Training	3
Review of Parish Council Governance	1
Conciliation	1

8 COMPLAINTS REFERRED FOR INVESTIGATION	
Number of Investigations to date	6
No of investigations completed	5

CODE OF CONDUCT COMPLAINT STATISTICS - NOV 2009

Investigation reports finding outcomes of Breach	4
Number of Hearings to date	4
Sanctions:	1 Censure & NFA
	1 Apology/2 mth suspension/training
	3 NFA* *One investigation abandoned with no hearing. (Complainant declined to be interviewed)



Local standards; national perspectives

Annual Review 2008-09

Foreword from the Chair and Chief Executive

The government's vision of a local standards framework is now in place. Authorities are empowered to investigate allegations of misconduct among their members. In parallel, Standards for England is in position to provide oversight, and to help bring a national focus to the promotion of high standards of behaviour among local government members.

On 8 May 2008, local authorities became formally responsible for upholding the high standards that communities expect of their members.

Our role at Standards for England consequently changed. We are now a strategic regulator that guides authorities in their execution of the local standards framework. We continue to investigate complaints, but only in cases that are not suitable for local authorities to settle themselves.

As a strategic regulator, we take oversight of the local standards framework. Through our monitoring we assess how it works in practice and act, working with local authorities, to ensure it operates as intended. In 2008-09 we have been busy putting arrangements in place so that the framework functions effectively. One of our tasks for 2009-10 will be to use this experience to review and develop our regulatory approach and philosophy.

This year's annual review is different to those of previous years. It focuses, first and foremost, on our view of what is happening among our regulated community. This has been informed by our monitoring and our research.

You can read our opinions and see the facts and figures in the first section of this review: we have summarised some key conclusions overleaf.

The second section deals with what Standards for England has been doing to position itself as a strategic regulator during this first year. This has included a small but significant change we have made in our name; to emphasise our purpose, rather than our previous functional role.

We know there is more to be done in 2009-10. However, we are well on the way to having all the skills and tools we need to be an effective strategic regulator who makes a positive contribution to standards in public life in England. In addition, our change of role, along with the effects of our relocation from London to Manchester in 2007, has helped us to reduce our costs in the 2008-09 financial year.

As in previous years, information in this review complements information on our financial accountability and performance published in our Annual Report and Accounts, available from our website.

Glenys Stacey
Chief Executive

Dr Robert Chilton
Chair



Parish challenge

In a small but not insignificant number of authorities, taking on the role of overseeing standards for local parish and town councils has been onerous. The medium-term solution to such issues is for principal authorities to provide leadership in the good governance of the local councils in their area. We are working with representative groups active in this sector to find ways of facilitating this. At the same time we are advising a number of authorities on practical steps they can take to deal with difficult parish issues.

Proportionality

A key responsibility for Standards for England in 2009-10 will be to reach judgements over the proportionality of the local standards framework, with regard to issues such as effort expended, timeliness, cost, and sanctions. We will do this in the context of maintaining the public's confidence in ethical standards in local government. We will also be making recommendations to government regarding how the framework might be optimised to meet their objectives. Views of all of our stakeholders and of the public will be important in forming these judgements.

Public confidence

While there is considerable officer and member confidence in the Code of Conduct and in the local standards framework's ability to uncover and deal with poor standards, the framework has made little impact on the public. We would like to see local authorities use this framework to engage their communities and to raise public trust in local democracy.



The local standards framework 2008-09 in numbers:

2,863

complaints were received. (2,693 of them had been assessed by the end of the financial year).

Standards committees decided to take no further action on

over half

of all complaints received and to refer almost

345

local authorities dealt with at least one complaint about member conduct.

a third

for investigation.

The average number of complaints received by these authorities was

8

In almost

40%

of cases where the standards committee decided to take no action, the person making the complaint asked for the decision to be reviewed. In

3

local authorities received more than 50 complaints.

93%

of reviews, the original decision was upheld.

128

local authorities received no complaints.

12%

of complaints were referred to the monitoring officer for other action².

More

than half

of all complaints were made by the public, and over a third by council members.

6%

of complaints were referred to Standards for England.

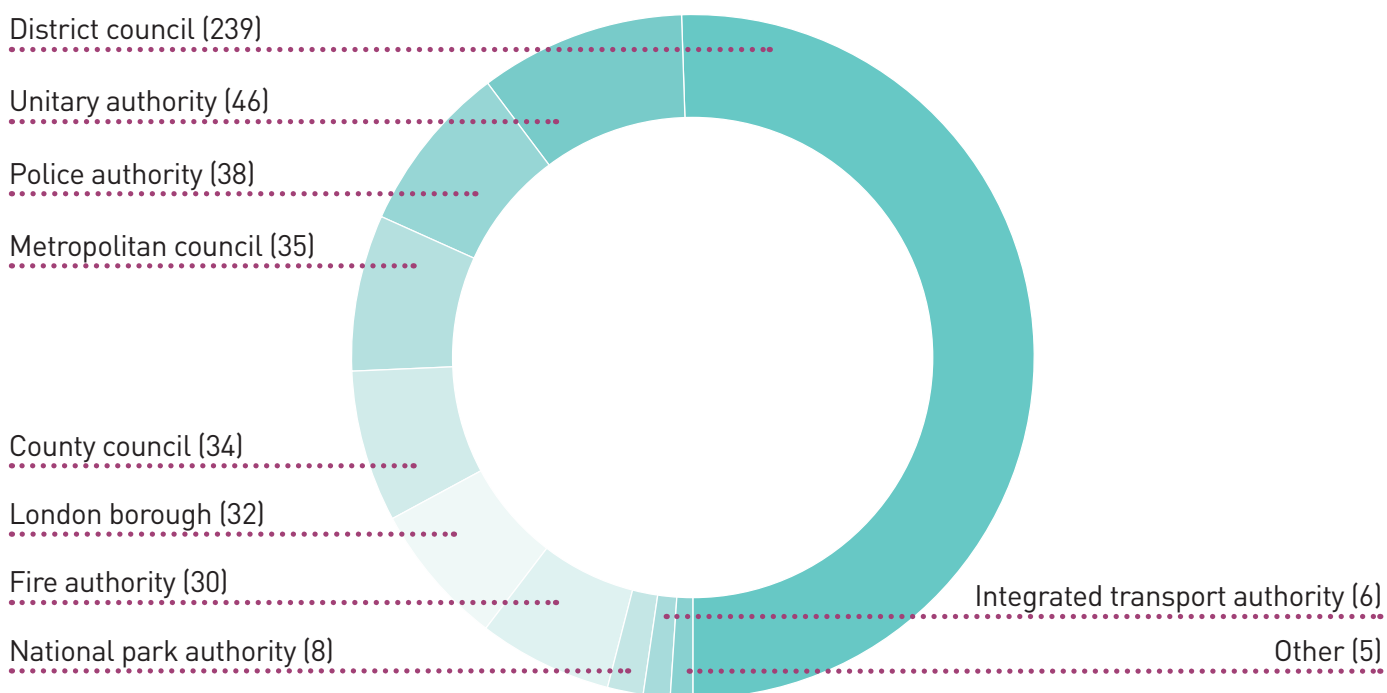
Standards committees took an average of

20

working days to make initial assessment decisions about complaints.

² When a standards committee decides to take steps other than carrying out an investigation when dealing with a complaint.

Regulated authority types 2008-09



Receiving complaints

There were 2,863 complaints recorded by 345 different authorities between 8 May 2008, when the system went local, and the end of March 2009.

74 of the 128 authorities that did not receive any complaints are police, fire, integrated transport or national park authorities. This means that one in ten single purpose authorities received complaints.

Three authorities received more than 50 complaints. The largest number of complaints was 209, received by Sedgemoor District Council. This was mostly due to a single complainant and we are engaged with Sedgemoor to help them address this issue.

East Riding of Yorkshire Council received 71 complaints. This is due to their large amount of parishes and also reflects the fact that East Riding has been good at publicising the process for making complaints.

It is to be expected that authorities with large numbers of parishes will generate more complaints. Indeed, it is of concern to us when such districts generate few complaints. In these cases, we have been exploring the levels of public awareness in the areas concerned.

The third authority to receive more than 50 complaints was South Gloucestershire Council, with 57 complaints. This was chiefly due to four of its parish councils who were having a high level of member on member complaints.

More than half of all complaints were made by the public, and over a third by council members. The remainder came from officers, parish or town clerks, MPs, and other sources.

Source of complaint	Total	Percentage
Member of public	1,552	54
Member	1,033	36
Council officer	110	4
Parish/town clerk	78	3
Monitoring officer	8	Less than 1
MP	4	Less than 1
Other	78	3

Case study

Redcar and Cleveland Borough Council



Redcar and Cleveland Borough Council tries to ensure that members have all the help they need when it comes to the Code of Conduct. The declaration of interest form that is provided at every meeting has a set of guidelines on the back to make it easier for members to determine the nature of their interest, for example, and members also take the Improvement and Development Agency's 'Modern Councillor' course.

The standards committee's work plan is designed to be flexible, and is constantly reviewed and updated.

The work plan can also be informed by meetings between the independent standards committee chairs from Redcar and Cleveland and its neighbouring authorities, which are invaluable for sharing ideas and good practice.

The chief executive also meets with the monitoring officer regularly and discusses issues of standards and probity. This is a good indicator of the importance placed on standards and ethics within the authority – the commitment to standards and good governance is there at the top, and the council has an ethical governance team.

As well as being strongly committed to standards and ethics, Redcar and Cleveland also aims to be open and transparent about such issues. Standards committee minutes are posted on the council's website and agendas are available as hard copies.

L-R:

Barry Smith
Standards committee vice chair

Richard Frankland
Monitoring officer

Councillor Brenda Forster
Standards committee member

Les Manship
Standards committee chair

Peter Scott
Standards committee member

The parts of the Code of Conduct breached were:

Description	Number of breaches	Part of the Code
You must treat others with respect	37	Part 1 3(1)
You must not conduct yourself in a manner which could bring your authority into disrepute	28	Part 1 5
Personal interest – failure to declare	16	Part 2 9(1)
You must not disclose confidential information	11	Part 1 4(a)
Prejudicial interest – failure to withdraw	11	Part 2 12(1)(a)
You must not bully any person	7	Part 1 3(2)(b)
You must not intimidate or threaten to intimidate any person who is likely to be involved in a complaint	5	Part 1 3(2)(c)
You must only use the authority's resources in accordance with its requirements and must not use the authority's resources for political purposes	5	Part 1 6(b)
You must not use your position to improperly confer an advantage or disadvantage for yourself or any other person	3	Part 1 6(a)
You must not compromise or attempt to compromise the impartiality of anyone who works for the authority	2	Part 1 3(2)(d)
You must not do anything which could cause your authority to breach equality laws	1	Part 1 3(2)(a)
Prejudicial interest – seeking to improperly influence	1	Part 2 12(1)(c)
Prejudicial interest – attended meeting for purposes not available to the public	1	Part 2 12(2)
Failure to register interests	1	Part 3 13(1)

The sanctions imposed were⁵:

Description	Number of times used
Training	22
Censure	18
Apology	16
Suspend	11
Suspend pending action	10
Refer to Adjudication Panel for England	6
Conciliation	2
Partly suspend pending action	1

⁵ Note: More than one sanction can be imposed when a breach of the Code is determined.

Informing the public of the results of investigations

We were disappointed that authorities weren't doing more to inform the public about standards hearings. This is important both to raise public trust that complaints are properly dealt with and to guard the framework against allegations that it lacks transparency.

The most common methods used by authorities were press notices (32%) and the authority's website (23%). But often the information on websites is hidden among records of standards committee meetings rather than being featured clearly as the outcome of a complaints process.

Smaller numbers of authorities mentioned that they made documents available for public inspection, held hearings in public, published the findings in the council newsletter and/or had special arrangements for town and parish councils.

The most common type of information to be provided to the public was papers associated with standards committee meetings (minutes, agendas and reports), followed by annual/regular update reports. Eleven authorities told us that they do not communicate the findings of hearings to the public at all.

We will continue to emphasise the importance of ensuring the work of the standards committee gets adequate publicity, and we encourage the involvement of the authority's own communications advisers in planning and preparing for that.

Only a handful of authorities informed the public when cases were not investigated. A small number of authorities decided whether to publicise the decision on a case-by-case basis. Where information was made available to the public, the most common format was through standards committee papers, which were often made available on the authority's website or for inspection at council offices.

Notable practice:

Communicating information to the public

At Taunton Deane Borough Council hearings are held in public and are webcast.

South Cambridgeshire District Council's panel chairmen have received media training and advice on how to handle media enquiries.

South Tyneside Metropolitan District Council has a media protocol that sets out the publicity issued at the various stages of dealing with complaints.

At Stratford on Avon District Council the outcome of a hearing was sent to the clerk of the parish council, who arranged for the councillor's apology to be published in the parish council's newsletter.

a) Training

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. Over half of all standards committees in England said they have been involved in the arrangement or delivery of training. This often included the induction of new members and officers.

Some standards committees put together programmes of regular training, while others preferred to arrange training in response to specific requirements, such as information sessions explaining changes to the Code.

Training programmes on the local standards framework focused on the following areas:

- the role and function of the standards committee
- how to conduct an investigation
- determinations and sanctions – the decisions following investigations as to whether a member has breached the Code of Conduct and which sanctions it is appropriate to apply
- other action – how to identify when it may be appropriate for a standards committee to direct the monitoring officer to take steps to resolve a complaint without carrying out an investigation.

Examples of standards committee involvement in more specialised training include:

- training on member roles, such as what the requirements of being a parish councillor or independent member are
- chairing skills
- understanding and preparing for interaction with the media
- equality and diversity
- utilising Standards for England's guidance materials and feeding back from our Annual Assembly.

Standards committees have employed a mixture of methods to deliver training, and we are encouraged by the energy that has been put into helping to educate members and officers.

We fully support training that seeks to embed and establish the ethical framework as part of corporate life. But we also understand that local authorities have limited resources to invest in training to promote and raise standards.

Examples of training methods used by local authorities include:

- in-house training delivered by the standards committee or other people in the local authority
- induction of new members

- commissioning external training partners
- attending conferences
- group workshops using case study style materials
- using Standards for England training materials and attending the Annual Assembly
- approaching Standards for England to discuss inviting representatives to speak at meetings or contribute to seminars
- general seminar and Q&A sessions with guest presenters
- joint training events with other local authorities
- online training.

Notable practice:

Identifying and assessing member training needs

At **Leicester City Council** all members have undertaken a skills audit designed to test knowledge and understanding of constitutional and ethical issues. Also, bite-sized learning is available on a number of topics in this area – training on the Code of Conduct is mandatory.

The standards committee of the **London Borough of Islington** agrees the member training and development programme each year. It is based on feedback from the previous year's programme, discussions with the party whips, and from responses to an annual members' survey. The programme is split into specific skills training, knowledge based events, 1:1 support and group support.

b) Meetings of the council

Standards committees can promote their role by ensuring there is an ethical standards presence or voice at council meetings. This is accomplished in a variety of ways.

Firstly, some standards committee members take an observer role at other council meetings. This allows them to experience council business and member conduct first-hand, before reporting back to the standards committee.

Attending meetings in this way helps standards committees to

assess how well the standards framework is working. If the observer notices unethical member behaviour, it can be a way of identifying issues that could be 'nipped in the bud' before they escalate into a problem.

Secondly, some authorities place a standing item about standards on the agenda of other meetings. This ensures that standards issues are regularly discussed and remain at the forefront of council business. We are in favour of the practice

of the chair of the standards committee or the monitoring officer bringing regular updates on Code and standards issues to the full council meeting.

Another way in which standards committees can promote their role is through joint meetings with other committees or groups. This includes the overview and scrutiny committee, and audit committee. Many standards committees also hold regular meetings with their parish groups.

c) Publications

Almost a fifth of standards committees contribute articles to council newsletters. Many produce regular briefing documents that highlight key standards issues and outline recent activities.

Use of an intranet was cited heavily as a way to get the work of the standards committee onto the map within the authority. Several standards committees have their own sections on the council website and intranet, where they publish news items, training materials, minutes and reports.

Standards committee annual reports

We're pleased to see that 60% of standards committees produce an annual report on their own work. One in ten authorities uses this as a way of promoting standards issues both internally and externally.

Most standards committees publish their annual report on the council website. It's more visible as an independent publication but can be hard to find if part of a broader set of papers, such as agendas and minutes from meetings.

One in every ten standards committees issues a press release on the standards committee's annual report. A similar percentage ensures that the report gets sent to

parish and town councils, often via parish clerks or representatives on the standards committee.

Some standards committees make the report available through copies in local libraries, having copies on hand during council meetings that are open to the public, or by sending the report to neighbouring authorities.

The creativity of standards committees

One of the more innovative methods of raising awareness is to conduct poster campaigns. So far, a small number of standards committees have been involved in producing posters and leaflets to promote their role or to bring member and officer attention to ethical issues. An example of this is shown to the right.

This is an area where Standards for England is keen to see more good practice develop.



d) Informing and engaging the public

Getting the wider standards message across to the public is a challenge. The council website is by far the most popular vehicle for promoting confidence in local democracy to the public.

Although almost half of standards committees say that they keep their council websites up-to-date with all

the latest ethical standards news, there is clearly scope for improved communication and higher profile.

Some standards committees have opted to survey public perceptions to gain awareness of current understanding before starting to build up their profile and, in turn, public confidence. A better

informed, more strategic approach like this may begin to show results throughout the next year.

e) Promoting standards in partnerships

Local authorities and standards committees have been taking an interest in the governance arrangements of partnerships. Almost half of the local authorities in England have taken the time to consider how they monitor and ensure high standards of behaviour when working in partnership with other organisations.

Over a third of the authorities that took an interest in this have employed a protocol, code of conduct, or memorandum of understanding between themselves and the partner organisation. And many standards committees played an important part in the drawing up of this kind of partnership

arrangement, by offering advice, guidance, or training related to relevant ethical matters.

Some standards committees were also involved in risk assessments, reviews, or audits of partnership arrangements, paying close attention to ethical standards issues. Standards for England is keen to encourage progressive standards committees in sharing good practice with others. We have ourselves been looking at the standards risks inherent in partnerships, and this is discussed on page 47.

Notable practice:

Standards in partnerships

Suffolk County Council organised a seminar on ethical governance, which included a focus on 'What is good ethical behaviour in partnership working?'

Swindon Borough Council invited partners to a 'standards in partnerships master class'.

f) Other ways of promoting standards

Standards committees are also involved in a number of more imaginative practices.

Some standards committees are engaged in specific ethical governance activities, such as self assessment and standards surveys. Some have played a part in arrangements for staging 'ethical awareness weeks', where standards issues are brought to the fore.

One way that standards committees can help nurture strong ethical standards is to embed them in their authority's human resources framework. Many standards committees contribute to inductions and training, and a few have ensured ethical standards are considered in relation to recruitment or performance appraisal procedures.

Notable practice:

Other ways of promoting standards

Buckinghamshire County Council holds annual officer quizzes that include questions on standards.

1.5

Helping members to follow the Code of Conduct

Over the past year, standards committees and their associated officers have carried out a range of activities to help members to follow the Code of Conduct.

In addition to training, discussed on page 21, other common activities included:

- briefings
- advice from officers
- providing members with Standards for England publications (such as our *Bulletin*, guidance and DVDs)
- giving regular reminders to declare interests
- having a legal adviser available at meetings
- providing members with their own copy of the Code
- providing information via email or the council intranet.

Other interesting initiatives included: providing a flow chart that explains when to declare interests, supplying members with information about decisions from the Adjudication Panel for England and enlisting officers to proactively check the register of interests before meetings.

Notable practice:

Helping members to follow the Code of Conduct

The City of Bradford Metropolitan District Council circulates guidance notes to groups and parish councils. Contact details for the monitoring officer have been provided to the parish councils through the parish council liaison committee.

Leicester City Council recently produced a guide to declaring interests at ward community meetings that is being used by members.

Redcar and Cleveland Borough Council periodically print messages from the standards committee on the reverse side of members' Declaration of Interest forms.

1.6

Reviews of the authority's constitution (or standing orders)

Our annual survey asked standards committees to what extent they were involved in reviewing their authority's constitution (or standing orders). We think this is a good task for standards committees to engage in. Some authorities gave good descriptions of what they felt that the role of the committee was, as highlighted by the examples below.

Some committees are highly involved, or even central to the process. One in ten standards committees commented on all proposed amendments to the constitution, even if they were not directly related to standards. Almost a third of committees commented on proposed amendments, if they were related to the committee's terms of reference. Seven authorities told us that reviewing the constitution was a formal part of the committee's work plan.

Some authorities had reasons for not involving the standards committee in this work. In some, there was a specific committee set up to review the constitution. In others, it was the monitoring officer's responsibility.

The list below indicates areas of the constitution which have interested standards committees, over and above their statutory interests:

- the committee's own composition, procedures and terms of reference
- the authority's codes and protocols
- member-officer relations
- licensing and planning codes
- confidential reporting/whistle blowing
- officers' code of conduct
- corporate governance
- use of resources (including IT equipment).

In a few authorities the standards committee has also involved itself in gifts and hospitality, the role of the monitoring officer, financial regulations, anti-fraud and anti-corruption policies, members' allowances, members' websites, executive arrangements and audit arrangements.

Notable practice:

The role of the standards committee in reviewing the constitution

The standards committee of **Rotherham Metropolitan Borough Council** considers whether proposed amendments to the constitution will promote high standards in public life.

The standards committee of **Mid Suffolk District Council** provided challenge from a probity viewpoint.

At **Havant Borough Council** no changes to the constitution can be made without prior consideration by the standards committee with advice from the monitoring officer.

The standards committee at **Calderdale Metropolitan Borough Council** has a standing sub-committee named the Review of Constitution Working Party which deals with issues as they arise.

1.7

Standards committees and leadership

Standards for England believes that 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.

In our annual survey, we were keen to ask authorities how closely standards committees and monitoring officers worked with political and officer leadership in their authorities.

On average, standards committees (or standards committee chairs) met with the chief executive of their authority to discuss ethical issues at least once during the year.

We believe a regular dialogue on standards issues between the standards committee chair and the leader, senior politicians and senior managers is an indicator of healthy standards arrangements.

The monitoring officer

In six out of ten authorities, the monitoring officer is part of the corporate management team. We feel the status of the monitoring officer, and his or her capacity and capability to advise the standards committee as it carries out its functions, are important for the success of the local standards framework.

We will continue to work with local government trade organisations to highlight the need for monitoring officers to have the necessary knowledge, skills and experience to carry out this role.

Notable practice:

Authorities whose monitoring officer and standards committee work closely with leaders

The chief executive officer, chair of the standards committee, and monitoring officer at **Guildford Borough Council** have a pre-meeting to discuss the agenda items before each standards committee meeting.

A similar activity takes place at **Shropshire and Wrekin Fire Authority**, where the chair of the standards committee and the chief fire officer, or his deputy, meet before each standards committee meeting.

At the **London Borough of Bexley**, the chief executive attends a standards committee meeting once a year to discuss ethical issues. They also welcome invitations to meet with the chair of the standards committee if or when specific ethical issues are identified.





Key achievements in 2008-09

The local standards framework is successfully bedded in

While local authorities have made all the changes necessary to deliver the local standards framework, we believe Standards for England has played a significant role in guiding and assisting authorities to ensure its success. A total of 74% of stakeholders agree and only 9% disagree that improving members' standards of behaviour is now a local issue⁶.

Consultation on the Code of Conduct

During the year we made a number of suggestions for changes to the Code of Conduct, which we think will make it easier to interpret and apply when the revised Code is issued later in 2009.

Issuing guidance

We produced a comprehensive range of guidance materials around the launch of the new local framework. We also published further guidance following the introduction of the Standards Committee (Further Provisions) (England) Regulations 2009.

⁶BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

⁷Excluding case related enquiries. Please see our Annual Report and Accounts, available on our website, for our key performance indicators.

^{8,9}BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

Meeting the needs of the regulated community

We do this through our advice and guidance and with quick and substantive responses to enquiries⁷. There has been an increase of 15% in satisfaction with our work since 2004⁸.

Gathering information from local authorities

We have built and implemented successful monitoring arrangements so that 99% of authorities are successfully completing quarterly returns.

We delivered a fully-booked Annual Assembly promoting standards issues and procedures

The Autumn 2008 event was the most popular one we have ever run and achieved a 96% attendee satisfaction rating.

Perceptions of standards of behaviour has improved

The percentage of our stakeholders who think standards of behaviour among members has improved has increased by 20% since 2004⁹.

99%

The average percentage of monitoring returns completed by local authorities for each quarter of the year was 99%.

15%

There has been an increase of 15% in satisfaction with our work since 2004.

20%

The percentage of our stakeholders who think the standard of behaviour among members has improved has increased by 20% since 2004.

The developing local framework

In 2007-08, we responded to Communities and Local Government (CLG)'s consultation on new orders and regulations arising from the Local Government and Public Involvement in Health Act 2007, which amended the local standards framework.

We worked closely with CLG to develop the regulations, providing feedback and looking at early drafts as they were developed. This led to regulations being introduced on 8 May 2008 on the local assessment of complaints, the size, composition and proceedings of standards committees, and the sanctions available to standards committees.

We have put a process in place which allows authorities to provide us with information on the framework – our monitoring returns. This keeps us up-to-date with the function of the framework. Authorities have been responsive in providing us with information on their experience every quarter, and the average percentage of returns completed for each quarter of the year was 99%. You can find out more about our monitoring returns on page 47.

Our annual survey of local authorities into their satisfaction with us found the majority (72%) supported the devolved local standards framework¹⁰.

You can find out more about the results of the annual survey and monitoring returns in the first section of this review.

Our stakeholder research also showed that:

- 94% of members and officers support the need for members to sign up to the Code of Conduct – up by 10% since 2004.
- 83% consider maintaining high standards of behaviour to be one of the most important issues facing local government.
- 75% of stakeholders have confidence in the way their local standards committee deals with complaints about members.
- 89% are confident that their authority is doing a good job of upholding standards.
- 47% of stakeholders think members' standard of behaviour has improved in recent times.

During the year we made a number of suggestions for changes to the Code of Conduct, which we think will make it easier to interpret and apply when the revised Code is issued later in 2009. We anticipate that the main change will be to allow the Code to cover members in their non-official capacity, where that conduct would be a criminal offence. We have also been informed that further consultation on the introduction of a code for officers is likely to take place in 2010.

94%

support the need for members to sign up to the Code of Conduct.

83%

consider maintaining high standards of behaviour to be one of the most important issues facing local government.

47%

of stakeholders think members' standard of behaviour has improved in recent times.

Challenges and concerns

Throughout the year we have been aware, through our close contact with monitoring officers and standards committee members, that there are particular challenges and concerns associated with running the local standards framework.

As a strategic regulator we will continue to monitor, evaluate and respond to these.

Some challenges, for example the need to use other action appropriately, have led us to issue further advice and guidance. Concerns, for example that the workload and costs inherent in running the standards framework might be excessive, need us to reach a measured and evidenced view and advise government accordingly.

Political commentators have made much comment during the year of the impact on the local standards framework of political 'tit-for-tat' and vexatious complaints. We will be exploring this issue in the year ahead, particularly whether the local assessment process can make it easier for local

standards committees to identify such complaints and dismiss them, if groundless, at the initial assessment stage.

We will be gathering evidence to conclude whether such complaints are in fact a systematic burden. This is something we will consider further during 2009-10 and address in our review of the operation of the framework.

Although there was widespread support for the move to local assessment, it was clear there are inherent risks. One was that there would be a critical lack of consistency in decision-making across the country, another that standards committees might be politically stacked in one way or another, a third that in places local case handling might be of poor quality.

Our initial approach has, quite properly, been to focus on guidance, advice and support and to define and promote good practice. However, we will in future need to be able to provide assurance that the local system is operating as planned.

It would be fair to say that we have had no indication of widespread problems, nor has the Adjudication Panel been busy with appealed cases it has felt necessary to overturn. However it has been clear during the first year that we need to be receptive to complaints about standards committees, feedback from local government and political stakeholders, and media coverage of standards issues. A number of these issues have caused us to raise matters with local authorities.

Information from these sources will be systematised to contribute to our assessments of risk. During 2009-10 we will develop our approach to giving reasonable assurance as to the performance of the local framework.

Members online

We have noted the increased propensity for politicians to debate with each other and with the public online, through blogs and other interactive forums, and we are shaping our advice on how to address the standards issues in such cases in 2009-10.

^{11,13,15,16} Public Perceptions of Ethics, 2009, research by GfK NOP on behalf of Standards for England.

^{12,14} BMG Research: Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and attitudes to the ethical environment).

In addition, three themes stood out from the first year:

The first is **learning** – even in councils caught in spirals of despair, people have not given up, but are looking at ways of reversing the situation. Often this involves local standards committees being pro-active, working with council leaders, brokering conversations with political parties, and dealing more swiftly with trivial complaints. A virtue of the length of the project is that we will be able to investigate the progress of our case study councils in this area.

The second is the importance of seeing the ethical framework, and good conduct generally, as integral to **wider processes of governance**. This highlights new levers for change. Ensuring political parties locally take full responsibility for the conduct of members, including considering ethical risks when recruiting new members, is one example.

The third is to see the ethical framework for local government not just as a set of standards to be met, once and for all, but part of **ongoing processes of improving political conduct**. Through the ethical framework, there exists a mechanism for identifying, discussing and regulating ‘the line’ between legitimate, robust political activity – unearthing perceived wrongdoing, challenging decisions, making judicious use of the press – and behaviour which is over-personal, disrespectful, and needlessly damages the reputation of public institutions as a whole.

You can read the first interim report from the study – *Assessing the Impact and Effectiveness of the Ethical Framework in Local Government in England* – in full on our website.

International involvement

We have contributed to international research on ethics in the past year. In 2008, our Knowledge Building Manager presented a paper on our research to an international conference on ethics in Amsterdam. And, in a panel discussion, we spoke about our approach to monitoring, which was well received.

Our Knowledge Building Manager also attended two events funded by the Council of Europe. One of the events was held at Ankara, Turkey, where advice was given on adopting an ethical framework for the Turkish public sector.

Our involvement has led to an invitation to take part in a further international conference on local integrity systems during 2010-11. Last of all we have asked to contribute to a Council of Europe *Handbook on Public Ethics* which will collate good practice in standards frameworks across Europe.

Working with our partners

We continue to work in partnership with a number of other bodies. For example, we worked with the Planning Advisory Service (PAS) to produce a pocket guide for planning councillors to help them navigate the probity risks in developer meetings and pre-application discussions.

This guide takes the form of a game which can be played in meetings, and resulted from a successful session on the same topic at the 2008 Annual Assembly. The guide is available to download on our website.

Our work and areas of responsibility can sometimes be similar to those of the Local Government Ombudsmen. We worked alongside the Ombudsmen to publish a memorandum of understanding in February 2009.

The document provides guidance to staff, members of the public and advice agencies on our respective roles. This means that complaints can be directed to the appropriate bodies. It also defines each of our primary roles and allows us to fulfil them effectively and efficiently and sets the scope of our functions. You can download the memorandum from either of our websites.

We continue to work with the Audit Commission and the IDeA to ensure that the ethical governance toolkit is up-to-date and relevant. The toolkit enables authorities to assess how well they are meeting the ethical agenda and identify any areas for improvement. We have also been working with the Audit Commission to ensure that data collected from our annual returns can be used in the Comprehensive Area Assessment of local authorities.

Working with parish and town councils

Parish and town councillors account for approximately three quarters of all members covered by the Code of Conduct. A large proportion of parish councils generate no complaints and make no impact on the local standards framework, but others have had serious standards problems.

Standards for England has developed good working relations with representative bodies in the

sector, who are strongly supportive of the need for high standards.

During 2008-09, we have been working with the National Association of Local Councils and other partners on two strands of a project funded through the government's capacity building scheme for local councils. One workstream has been piloting the development of compacts to formalise relationships between

principal authority standards committees and parishes in their area, working with the county association of local councils. The second has tested the effectiveness of whole-parish mentoring in the sector. An evaluation report on both elements will be published in 2009-10.



Case study

'Serious About Standards'



L-R:

Dr Robert Chilton

Chair of Standards for England

Andrew Neville

Chair of Rossendale Borough Council standards committee

Heather Moore

Committee and member services manager, Rossendale Borough Council

Dara Ó Briain

Compère

Rossendale Borough Council was the winner of the first Standards and Ethics Award. The council's standards agenda has made a real difference. Its influence was strong and visible through the strapline 'Serious About Standards'. The council was boosted from 'poor' to 'good' in its Comprehensive Performance Assessment by the Audit Commission. Resident satisfaction has also risen by 8% with an increased turnout at local elections.

Chief Executive Carolyn Wilkins told Standards for England that the council's strapline was used everywhere – from mugs to mousemats – meaning that people see it as "the strong heart of all the work" the council has put in place.

Carolyn shared some secrets of the council's success. She said a mixture of training and promotion, aided by the presence of a strong independently-chaired standards committee has helped.

She added: "We found [the strapline] really useful as a hook for the trainer that comes in. We've done an awful lot of training for elected members, and we have governance champions in all our teams as well who carry those messages out, supporting staff with questions that they might have around the Code of Conduct."

Carolyn stressed that it was important in terms of good practice to ensure that the message comes from the top and is disseminated both within the authority and to the public.

Developing our approach to risk

Public confidence in the local standards framework is crucial to its success. One way we can guarantee this is by ensuring the local standards framework is robust.

So a key part of our new role is assessing and mitigating against

risk of standards failure, in individual authorities, in types of authorities and in the local standards framework.

This means gathering information from local authorities to spot potential problems. We are developing a risk assessment

model that will help us assess the level of risk that authorities pose to the standards framework. That way we can prioritise our engagement work to the authorities that need it the most. We will also expect to identify and respond to emerging trends in standards issues.

Monitoring returns

We developed a **monitoring returns system** in time for the launch of the local standards framework, which allows us to collect regular information from authorities. We use this information to provide guidance and support to authorities facing problems.

The system means we can spot individual authorities that are not complying with the local standards framework or who are facing difficulties in implementing the framework.

There are two types of reports that authorities must complete for us:

Quarterly returns – an online form on our website that monitoring officers complete every quarter, which contains questions about the composition and function of standards committees and any cases handled locally.

Annual returns – an online form which asks about the arrangements authorities have in place to support the local standards framework. This annual survey gives us a picture of the culture and wider governance arrangements of an authority.

Information from both of these can be found in the first section of this review.

Our risk model will use information about standards committees that we collect via our annual and quarterly returns, and information relating to the authorities as a whole, from other sources such as future Comprehensive Area Assessment scores determined by the Audit Commission.

Risk management will let us identify risk before problems occur. It will help identify standards committees that may be effective yet are at risk of experiencing wider standards issues. It will also help us detect authorities which are not experiencing standards issues but are at high risk of doing so. We intend to consult closely with authorities as we develop this area of our work during 2009-10. We have also met with other strategic regulators during the last year, to share experiences and expertise.

Sectoral risk: partnership working

In our developing approach we will work to assess specific standards risks affecting groups of authorities and how they might be mitigated.

As a precursor to this approach we have been looking at the standards risks inherent in partnerships.

We have worked with Manchester City Council and its partners to set guidelines for the culture of partnership working between local authorities and their delivery partners.

When finished, the guidelines will prescribe appropriate behaviour that can be applied to day-to-day partnership working. We hope that the project will be used as a basis for providing guidance nationally on standards in partnership working.

The project involved setting up a number of Action Learning Sets which are similar to focus groups, with Manchester's strategic, contractual and voluntary partners. We used the findings from the sets to create an online survey which was sent to all of the council's partners.

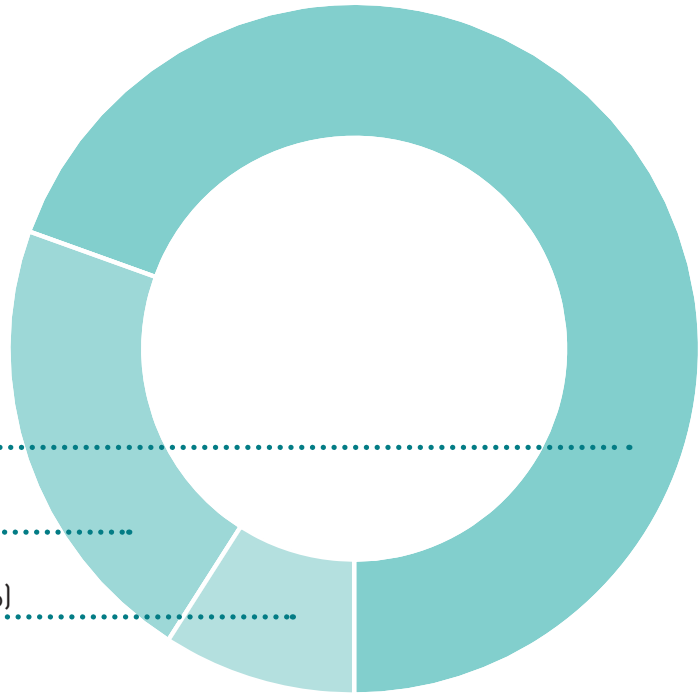
We will build on this work in 2009-10 to produce a final protocol for partnership working.

From 8 May 2008 to 31 March 2009, we received 177 referrals from standards committees. We make one of three decisions when assessing a referral and these are set out below together with the number of decisions taken in each¹⁷:

Accepted for investigation (123)

No further action (38)

Referred back to the standards committee (16)



Of those 123 accepted cases, 66 were completed by 31 March 2009. Of these:

- 39 found that there has been no failure to comply with the Code of Conduct.
- seven found that there had been such a failure to comply but no action needed to be taken
- there were no cases in which it was decided that the matter should be referred to the monitoring officer of the relevant authority for determination by the local standards committee
- seven cases were referred to the Adjudication Panel for England for adjudication by a tribunal. As of 31 March 2009, none of these cases had yet been heard by the Adjudication Panel
- in 13 cases, directions were issued¹⁸.

¹⁷ Note: These figures are different from those reported on page 14, because single referrals from local authorities may, depending on circumstances, be divided into multiple cases by us, for example if more than one subject member is involved.

¹⁸ Our ethical standards officers have the option of issuing monitoring officers with directions to take action to solve local problems – for example, training for the whole authority. The aim is to help the authority improve its own effectiveness and conduct, at a far lower cost in time and money than an investigation. Often we issue directions in situations where we believe a case has broad relevance for the overall governance of an authority.

A timely and efficient investigations process

During 2008-09 we began an organisation-wide review of the investigations process, with the help of internal and external advisers and taking account of best practice in similar organisations. At the time of publication of this *Annual Review 2008-09*, we have already achieved a significant reduction in the average time taken to conduct an investigation. This has been done by ensuring that proportionate investigations are conducted as efficiently and effectively as possible without any unnecessary delay.

We will also continue to work on the results of the review to improve upon the level of quality and consistency of our investigations in terms of thoroughness, equity and sound decision making.

In addition we aim to enhance our customer care standards, ensuring that:

- those involved in investigations are notified about decisions more quickly
- subject members get the opportunity to make an early response to an allegation
- each party in an investigation receives improved, meaningful and appropriate communication and progress updates.



'Aggressive' behaviour leads to 12-month disqualification

A husband and wife who were members of a Cornwall parish council were disqualified from office for a year after their 'aggressive' behaviour saw the parish clerk and their three fellow councillors resign.

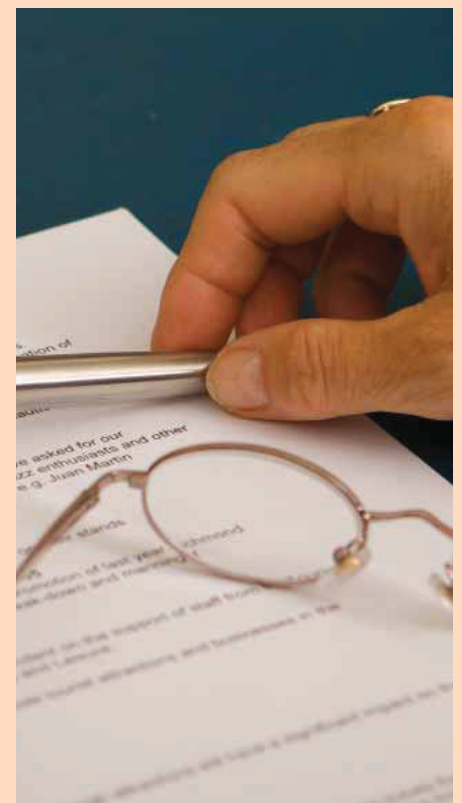
The ban, imposed at a hearing of the Adjudication Panel for England, followed an investigation by Standards for England into allegations that Peter and Sheila Montague failed to treat others with respect and brought their office into disrepute.

It was alleged that Peter and Sheila Montague behaved in an aggressive, intimidating and disrespectful way to fellow parish councillors and a member of the public in council meetings between May and June 2007. It was also alleged they made verbal and written attacks on the character and integrity of the ex-clerk to the council.

The Adjudication Panel concluded that the language in emails written by Mr Montague and approved by Mrs Montague was rude and unjustified.

It also found that Mrs Montague's shouting when other councillors disagreed with her was beyond what was acceptable in a council meeting, as was the Montagues' behaviour at a meeting on 29 June 2007. They shouted at, talked over and interrupted other councillors, were aggressive, overbearing and rude, and without justification, questioned the clerk's integrity.

The Adjudication Panel was satisfied that Mr and Mrs Montague's conduct brought their office into disrepute. This was because their behaviour seriously affected the wellbeing of several individuals and damaged the normal running of the council.



Planning case referred to Standards for England

Standards for England engaged with Harrow standards committee after a high-profile member of the London Borough was alleged to have breached the Code of Conduct.

The case was one of the first considered under local assessment by its standards committee – and the subject member was considered high profile as she was a senior member and married to the council's leader.

In the case, the complainants alleged that the subject member breached three paragraphs of the Code in relation to a planning application – namely that:

1. she failed to treat others with respect
2. brought her office or authority into disrepute
3. failed to withdraw from a meeting in which she had a prejudicial interest

As the case was considered to be of high profile, the monitoring officer sought independent legal advice through an external consultant. The case was referred to the council's assessment sub-committee, and in a report the independent consultant said that the subject member appeared to show a failure to comply with the authority's Code. As a result, the standards committee referred the case to Standards for England for investigation.

Having considered the case, the ethical standards officer found no evidence of any breach of the Code of Conduct.

Some members were critical of the standards committee's decision to refer the allegations to us for investigation. This was because it involved a high profile subject member but eventually resulted in no evidence of any failure to comply with the Code.

Once the case was completed, Harrow's monitoring officer invited the ethical standard officer to attend the standards committee and to provide information about our work.

The committee was reassured that despite the finding, the assessment sub-committee had been justified in referring the case for investigation by Standards for England. This was because the committee had identified two issues that would make the case unsuitable for local resolution:

1. the seniority of the subject member and her relationship to the leader
2. the perception that the council had a stake in the outcome (the background was a key planning development)

The standards committee was given a briefing on topics including the investigations process and the sort of cases the ethical standards officer sends to the standards committee for determination.

Board members



Dr Robert Chilton
Chair

Bob joined local government after completing a PhD on the London housing market. He worked in planning, housing and chief executives' departments of UK councils and in 1979, was appointed as director of Housing and Property Services for the Royal Borough of Kensington and Chelsea. He became assistant director of South Bank Polytechnic in 1984, and in 1986, he became chief executive of Gillingham Borough Council.

In 1989, Bob became the Audit Commission's Local Government Director and in 1995, on secondment, Bob was chief executive of the Local Government Commission. Between 1999 and 2001, again on secondment, Bob established the Greater London Authority serving as its inaugural chief executive. He was vice-chair of the National Consumer Council until September 2008.

In addition, Bob is chair of East Thames Group and deputy chair of PhonepayPlus. He is also a non-executive director of the Office of the Information Commissioner, a non-executive director of the Waste and Resources Action Programme and sits on the Home Office Audit Committee.



Professor Judy Simons
Deputy Chair

Judy Simons is Emeritus professor of English at De Montfort University. She has been a board member of the Higher Education Academy and Chair of Council and a member of the strategic committee for leadership, governance and management at the Higher Education Funding Council for England. She is an Associate of the Leadership Foundation for Higher Education, a Governor of Sheffield Hallam University and a Governor of Lady Manners School, Bakewell.

She has chaired a number of national academic bodies, including the Council of University Deans of Arts and Humanities. She is also a fellow of the Royal Society of Arts and a fellow of the English Association.



Councillor Shirley Flint

Shirley Flint is an independent councillor at North Kesteven District Council, elected in 1995. She has previously been chair of the council's standards committee, the tenant liaison committee and the housing and environmental health committee. She is also a member of Skellingthorpe Parish Council.



Councillor Sir Ron Watson CBE

Sir Ron Watson CBE has been a Conservative councillor since 1969 and has held most leadership positions, including leader of the council on Sefton Metropolitan Borough Council.

He has held a number of roles at the Local Government Association, as deputy chair, chair of the Tourism and Environment Executives, and deputy chair of the Regeneration Board. He is currently vice chair of the Urban Commission, a lay member of the Mental Health Review Tribunal, chair of the Southport and Ormskirk NHS Hospital Trust and a member of the UK Delegation to the EU Committee of the Regions.

His business background is in tourism and he is a fellow of the Institute of Travel and Tourism and of the Tourism Society. Sir Ron was recently appointed to the Board of the Solicitors Regulation Authority and takes up this position on 1 January 2010.



Elizabeth Abderrahim

Lizzie Abderrahim is the independent chair of Gloucester City Council's standards committee and a non-executive director of the 2Gether NHS Foundation Trust. She also sits as a chair of Registration and Conduct Committees of the General Social Care Council.

From 2001-07, Lizzie was a board member for the National Probation Service in Gloucestershire. She qualified as a social worker in 1984, specialising in mental health, before qualifying as a barrister. She went on to work in the not-for-profit sector where she had responsibilities which included strategic development and the training and supervision of advisers working for the Citizens Advice Bureau.

Lizzie is active in her local community where she is a trustee/director of the Westgate Community Trust and Gloucestershire Action for Refugees and Asylum Seekers. She is also a trustee of the Gloucester Relief in Sickness Fund.



Councillor Stephen Knight

Stephen Knight is a Liberal Democrat councillor in the London Borough of Richmond upon Thames and serves as Deputy Leader and Cabinet Member for Resources.

He was formerly the political adviser to the Liberal Democrat Group at London Councils (formerly the Association of London Government) and is now vice chair of the London Councils Grants Committee as well as being an accredited member peer for the Improvement and Development Agency for Local Government (IDeA) and the Audit Commission. His previous jobs include public relations officer for the Jubilee Sailing Trust and senior public relations consultant with Argyll Consultancies PLC.

He is chair of governors of a local primary school and was a founding trustee of Richmond Youth Partnership. Stephen studied physics at Southampton University where he became president of the students' union.

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 Note: Board members whose terms ended in the last year were: Sir Anthony Holland, Chair (June 2008); Patricia Hughes CBE, Deputy Chair (June 2008); and Mike Kendall (March 2009).



Standards for England

Example directions

- 1. Example wording that could be used in decisions to direct the monitoring officer to take other action**
- 1.1 The assessment sub-committee refers the complaints to the monitoring officer and directs that the monitoring officer take steps other than carrying out an investigation. The monitoring officer should arrange for guidance on conflict resolution to be provided to the members of the town council with a view to improving working relations at the council, through more effective communication and improved conduct at council meetings. The monitoring officer should engage a professional mediator to work with members.
- 1.2 The assessment sub-committee refers the complaints to the monitoring officer to take action other than carrying out an investigation. The steps taken by the monitoring officer must ensure that all members of the parish council understand the council's procedures. They should also provide an opportunity for members to resolve any outstanding questions about the Code of Conduct. The process should improve members' understanding of the extent and limits of their role as councillors and their use of standing orders. It should also encourage members to review and identify times both when their conduct has put them at risk of breaching the Code, particularly in relation to the provisions concerning disrespectful and bullying behaviour.
- 1.3 The assessment sub-committee refers the complaints to the monitoring officer to take action other than carrying out an investigation. In doing so it expects that all members of the parish council will participate fully with a view to improving the governance and overall functioning of the council. The council must provide the monitoring officer with any documentation that he requires in implementing this action.
- 1.4 The assessment sub-committee refers the complaints to the monitoring officer to take action other than carrying out an investigation. In doing so it requires that the monitoring officer invite the clerk to participate in all the processes he/she undertakes with members.
- 1.5 You are required to provide the standards sub-committee with a report within three months of the date of this decision setting out the work undertaken with members and the outcomes. Please identify in your report any members who have not participated in the process.
- 1.6 The assessment sub-committee refers the complaints to the monitoring officer and directs that the monitoring officer take steps other than carrying out an investigation. The monitoring officer must undertake a review of each of the councillors' register of financial and other interests. The monitoring officer is directed to invite all members to update their register. The monitoring officer should report to the sub-committee by [] where a member has not completed the register. The sub-committee is mindful that the contents of the register is the responsibility of each member, but requests the monitoring officer to

seek to identify any where there is a discrepancy, and request members to ensure that they are all up-to-date.

- 1.7 The assessment sub-committee directs the monitoring officer to take action other than investigation. This is to arrange training for council members on the Code. The training should encourage councillors to review and identify times at council meetings when they may have had personal and prejudicial interests in matters under discussion. It should also encourage them to consider how they may have behaved differently.
- 1.8 The assessment sub-committee directs the monitoring officer to take action other than investigation. This is to arrange training for council members on the Code. The training should make clear when a member is acting within the scope of the Code. It should also place particular emphasis on making public statements and ensuring such statements were accurate and fair.

2. Examples of language used in correspondence explaining the purpose of action other than investigation

2.1 This case involved an initial investigation of eight linked complaints (two complaints were completed as investigations with findings of no breach).

“The assessment sub-committee has concluded that on the basis of the most recent complaints and the previous complaints concerning XX parish council, there is evidence that the basis of many of these complaints related to perceived problems with basic administrative and local government procedures. I also consider that there is evidence of longstanding personal conflict and communication problems affecting the council. I consider that the current allegations are part of a pattern. Past investigations into allegations of misconduct by members of the council appear to have been ineffective as a means of achieving resolution. It is now essential that the underlying problems affecting the council are addressed, and I do not consider that investigation of the current allegations XYZ against councillors A and B will achieve this and result in a meaningful use of public resources.

In the circumstances, the assessment sub-committee has concluded that all these cases would best be dealt with by way of action other than investigation to facilitate a process of mentoring, training and mediation for all members of XX parish council and to arrange training and guidance to all members on conflict resolution and in other areas of weakness in the standing orders and the Code of Conduct that are the monitoring officer identifies.”

2.2 This case involved a town council where there had been previous investigations, complaints arising from disputes about procedural issues and arising from difficult personal relationships between members.

“The purpose of taking action other than investigation in this case is three-fold. Firstly, training on conflict resolution should seek to improve the skills of members in more effectively dealing with and resolving conflict. It is hoped that both this and the appointment of an independent mediator will also help members work through their difficulties and avoid the council’s time and resources being wasted on personal conflicts and arguments. Although it is understood that some of these personal conflicts are longstanding and deep seated, it is believed that mediation can work because all those involved should have the same overriding interest which is to allow council business to be conducted more effectively.

Secondly, by reviewing members’ understanding of the council’s procedures; its administrative requirements; its standing orders; the Code of Conduct and local government practice more generally, the monitoring officer should be able to address any weaknesses that there might be. It is hoped that this will allow the council to run more effectively and for its business to be conducted in a proper manner that will command the respect of the community.

Thirdly, it is hoped that advising members specifically on matters related to the Code, in particular what is and is not acceptable behaviour in terms of treating others with respect, will prevent members feeling bullied and will prevent similar allegations from being made in the future. The implementation of a member/officer protocol should leave all parties with a clear understanding of how they should treat each other. It should also provide members with guidance regarding what is and is not appropriate in relation to the work carried out by the clerk.”

2.3 Case where under the old regime a monitoring officer asked the ethical standards officer to direct the monitoring officer to take other action.

“You have advised Standards for England of conflicts and poor working relations between some elected members and between some elected members and officers, particularly at meetings of the parish council, which you explain have been disrupted by the behaviour of certain members. You have also advised of your concerns that there is a lack of understanding among members about local government practice and the requirements of the parish council’s Code of Conduct as well as the parish council’s procedural and administrative requirements, its standing orders and procedural rules. You have also expressed concern that should these allegations be subject to investigation and should it be established that certain members have failed to comply

with the Code of Conduct, that these members are unlikely to accept this verdict and will continue to behave in the same manner. I believe that this concern underlines the need for training on the importance of the Code of Conduct and the ethical framework more generally.

In this context, I am required to reach a view on how best to proceed. In coming to a view in this matter, I am conscious of the need to seek to resolve the difficulties with which the council is currently faced in a constructive manner for the benefit of the whole community which it serves. I also believe that unless constructive action is taken, the pattern of tit-for-tat allegations is likely to continue and will hamper the effective running of the council.

I consider that these matters will be best addressed by way of a direction to facilitate a process of training and mediation for all members and officers of the parish council.”

2.4 General points to be considered in most cases.

“In considering whether this decision might result in unfairness to Councillor XX as the complainant or Councillors YY and ZZ as the members who have had allegations made against them, I have taken into account the overriding need to improve the functioning of the parish council. I do not consider it proportionate to conduct a full investigation into Councillor XX’s allegations. Based on the information available to the assessment sub-committee, they firmly believe that it is necessary to take action other than investigation to ensure that the council functions effectively in the future. They believe that this is a constructive process which is in the public interest, and therefore in the interests of the complainant and members themselves.”

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a personal interest?

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- a) An interest you must **register**.
- b) An interest that is not on your register, but where the well-being or financial position or you, members of your family (spouse; partner; parents; in laws; step/children; nieces and nephews), or people with whom you have a close association (friends; colleagues; business associates and social contacts that can be friendly and unfriendly) is likely to be affected by the business of your authority more than it would affect the majority of:
 - Inhabitants of the ward or electoral division affected by the decision (in the case of the authorities with electoral divisions or wards.)
 - Inhabitants of the authority's area (in all other cases)

These two categories of personal interests are explained in this section. If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest.

Effect of having a personal interest in a matter

You must declare that you have a personal interest, **and the nature of that interest**, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed, unless an exemption applies.

When an exemption may be applied

An exemption applies where your interest arises solely from your Membership of, or position of control or management on:

1. Any other body to which you were appointed or nominated by the authority.
2. Any other body exercising functions of a public nature (e.g. another local authority)

Is my personal interest also a prejudicial interest?

Your personal interest will also be a **prejudicial interest** in a matter if all of the following conditions are met:

- a) The matter does not fall within one of the **exempt categories** of decisions
- b) The matter affects **your financial interests** or relates to a **licensing or regulatory matter**.
- c) A member of public, who knows the relevant facts, would **reasonably think your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

What action do I take if I have a prejudicial interest?

- a) If you have a **prejudicial interest** in a matter being discussed at a meeting, you must declare that you have a prejudicial interest as the nature of that interest becomes apparent to you.
- b) You should then leave the room, **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is case, you can also attend the meeting for that purpose.
- c) However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

d) In addition you must not seek to **improperly influence** a decision in which you have a prejudicial interest.

This rule is similar to your general obligation not to use your position as a Member improperly to your or someone else's advantage or disadvantage.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services Manager well in advance of the meeting.

DECLARATION OF PERSONAL AND, PERSONAL AND PREJUDICIAL INTERESTS

MEETING

DATE..... **AGENDA ITEM**

IS YOUR INTEREST:

PERSONAL

PERSONAL AND PREJUDICIAL

NATURE OF INTEREST:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Committee Clerk when you are asked to declare any interests.