



<u>Committee and date</u> Council 30 September 2010 10.00 a.m.

<u>Item No</u> Public
--

ANNUAL REPORT OF STANDARDS COMMITTEE

Responsible Officer Claire Porter

Email: Claire Porter@shropshire.gov.uk

Telephone: (01743) 252763

1.0 Summary

- 1.1 To consider the first Annual Report of the Standards Committee which explains the Committee's role and purpose, and summarises its actions and work with regard to ethics and probity.

2.0 Recommendations

2. That the Annual Report of the Standards Committee be approved.

Report

3.0 Introduction

- 3.1 Upon the creation of the Shropshire unitary authority in April 2009, the Standards Committee was established, in accordance with the provisions of the Local Government Act 2000. It first met on 7 April 2009.
- 3.2 The composition of the Standards Committee is as follows:-

Independent Members (8)

Mrs J Clarke, Messrs T Griffiths, W Maddocks, D S McLaren, P Moore, G J Parry, G Salt and J Till

Shropshire Councillors (6)

Councillors M Bennett, Mrs P Dee, R Evans, V Hunt, Dr J Jones and C Mellings

Parish/Town Councillors (6)

Mr R P Bentley, Mrs B Carlyle, Mrs A Dugdale, Mrs E M Francis,
Mrs R Griffiths and Prof. P M Collins OBE

- 3.3 The Committee's main responsibility is the promotion and maintenance of high standards of conduct by Shropshire Council and parish/town councillors across Shropshire.

This involves overseeing the ethical conduct of 74 elected members of this Council, its voting co-optees, independent members and parish/town council representatives (on Standards Committee) plus around, 1,500 parish/town councillors.

- 3.4 An outline of the role of the Standards Committee is contained in pages 2 and 3 of the booklet entitled "Standards in Local Government – What Shropshire Council aims to achieve in member conduct." **Copies of the booklet are available for inspection with the Members' Secretary.**

Brief biographical notes for each member of the Committee are also included in the booklet, which was produced internally and circulated in the autumn 2009. It provided an overview of ethical governance work in 2008/09; training regarding ethical requirements; the role of Standards for England; the statutory Register of Members' Interests and the Code of Conduct; the assessment procedure for dealing with complaints about member conduct; and how all of the above sits with the Council's constitution and protocols.

4.0 Activities of Standards Committee during 2009/10

- 4.1 The Standards Committee has met on five occasions during the past 15 months and has considered some thirty four items of business regarding ethical standards in council activities and the conduct of members at both unitary and local council levels.
- 4.2 The major items of business the Committee has dealt with during this period focussed on training; feedback on the assessment of complaints about member conduct; and the ethical governance survey.

Training

- 4.3 The Standards Committee, as part of its role, took a conscious decision to provide comprehensive training to all members of Shropshire Council on the requirements of the Code of Conduct for members; corporate parenting; equality and diversity; and safeguarding as part of the induction training programme. Furthermore, the Committee recommended an amendment to the Constitution which would require members appointed to any Committee dealing with planning or licensing matters, to undertake specialist training, prior to sitting on that particular committee.

- 4.4 All members of Shropshire Council were provided with training sessions throughout the summer and autumn 2009 on the Code of Conduct and the local assessment of complaints procedure. Similarly all members of the Standards Committee received this training in greater depth and it was felt that the information and knowledge derived would ably equip them in their work as members of that Committee.
- 4.5 Inheriting the responsibility for the ethics and probity of 153 parish/town councils in Shropshire having a membership in excess of 1,500 also prompted the Standards Committee to offer training to those local councillors. With this in mind the Committee resolved to provide training in ethics and probity for all parish/town councillors in Shropshire as part of a rolling programme. This was arranged on a “cluster” basis in certain geographical areas.
- 4.6 The “rolling programme” of training commenced in September 2009 and some 18 sessions have been held over the 12 month period in accordance with the above strategy. To date some 112 parish/town councils were invited to the training evenings, and over 300 persons representing parish/town councils have attended.
- 4.7 An independent member of the Standards Committee introduced the presentation team to the parish/town councillors at each of the training sessions. These sessions were conducted by the Monitoring Officer and/or the Deputy Monitoring Officer with monitoring officer staff and covered ethical governance and decision making; the code of conduct and its implications for parish/town councillors; and the procedures to be followed in the local assessment of complaints about member conduct.
- Much emphasis was given in each session to the sometimes difficult issue of personal and personal/prejudicial interests and at some sessions predetermination and bias in decision making were also discussed.
- 4.8 Persons attending the various training sessions have commended the Monitoring Officer and her staff for the seminar content and quality which they found to be beneficial and relevant to their roles as parish/town councillors.
- 4.9 The “rolling programme” of training is expected to continue during the autumn 2010 and also during next year.

Complaints about member conduct

- 4.10 When complaints are received alleging that a member or members may have breached the Code of Conduct, these are submitted to the Assessment Sub-Committee together with a pre-assessment report of the Monitoring Officer. The Sub-Committee of three persons (chaired by an independent member of the Standards Committee) can then reach one of the following three decisions. It can:
- Refer the allegation to the Monitoring Officer for investigation or some other action such as mediation or training.

- In exceptional circumstances, refer the allegation to the Standards for England.
- Decide that no action be taken in respect of the allegation or request further information.

Members of the Standards Committee are allocated in turn to regularly scheduled meetings of the Assessment Sub-Committee/Review Sub-Committee.

4.11 If the Sub-Committee decides that no action should be taken, the complainant is informed and he/she has the opportunity (within a statutory timescale) to request a review of the decision. If a review of the decision is requested the Review Sub-Committee (comprising a different membership to that of the Assessment Sub-Committee) meets to reconsider the complaint. It can reach one of the following three decisions:

- Uphold the original decision of the Assessment Sub-Committee to not refer the complaint for investigation or other action.
- Overturn the decision of the Assessment Sub-Committee and refer the complaint to the Monitoring Officer of the Authority for investigation or other action.
- Overturn the decision of the Assessment Sub-Committee and refer the complaint to the Standards for England for investigation.

4.12 If the Assessment Sub-Committee or Review Sub-Committee decides that a complaint should be investigated by the Monitoring Officer (or her nominee) then upon receipt of her report the Standards Committee must then decide whether a hearing and determination is necessary. Members involved in the first stage of assessment or the review stage may take part in the consideration of the outcome of an investigation (and a hearing if necessary).

4.13 If the outcome of the investigation is referred to the Hearings Sub-Committee for determination, the Sub-Committee must be chaired by an independent member of the Standards Committee. If the Sub-Committee finds that the member who is the subject of the investigation has breached the Code of Conduct and that he/she should be sanctioned, it may impose one or more of a number of sanctions as defined in the Standards Committee (England) Regulations 2008. This could include, e.g. suspension for a period of up to six months. Sanctions should be proportionate to the breach.

Outcome of Complaints to Assessment Sub-Committee

- 4.14 A total of 52 complaints were considered by the Assessment Sub-Committee during the period. This includes 5 that were inherited from the former District/Borough Councils. The decision of the Assessment Sub-Committee in 39 of the cases was that there should be no further action and 6 were referred for an investigation by the Monitoring Officer and 4 referred to Standards for England for investigation. 3 cases out of the 52 complaints received were referred by the Assessment Sub-Committee for other action.

A total of 27 allegations were made by members of the public 12 of which from one complainant involved all members of a Town Council.

A full breakdown and analysis of the complaints considered by the Assessment Sub-Committee is attached at Annex A.

Outcome of requests for review of decisions to the Review Sub-Committee

- 4.15 Out of the 39 complaints in respect of which no further action was required, 20 requests were made for the decision to be reviewed.

The original decision of the Assessment Sub-Committee was considered reasonable in all cases and in respect of just one allegation, further information was provided by the complainant which persuaded the Review Sub-Committee to refer the allegation instead for an investigation.

Other Action

- 4.16 Of the 3 complaints which were referred for other action, 2 were made by one complainant in respect of similar issues about 2 Councillors. All required training to be provided for all members of the Parish/Town Council on the requirements of the Code of Conduct.

Investigations

- 4.17 The cases referred to Standards for England involved allegations about the conduct of 2 Parish Councillors. These have been completed and resulted in one finding that there was no breach of the Code of Conduct and one finding of a breach. In respect of this latter case, the Hearings Sub-Committee referred the determination of the case to the First Tier Tribunal (Local Government Standards in England) which resulted in a 6 month suspension.
- 4.18 3 of the 6 cases referred to the Monitoring Officer have been completed, with 2 findings that there was no breach of the Code of Conduct and one finding of a breach. In respect of this case, the Hearings Sub-Committee referred the determination of the case to the First Tier Tribunal (Local Government Standards in England) which

resulted in a 6 month suspension, a requirement for a written apology and further training in the Code of Conduct. The subject member has now resigned.

Ethical Governance

- 4.19 One of the major pieces of work commissioned by the Standards Committee in the spring 2010, was the carrying out of an Ethical Governance Survey. The purpose of the survey was to assess how well the Council was performing in terms of promoting and ensuring high ethical standards throughout the Council. The Standards Committee felt it was imperative to establish how well aware both members and officers were of their respective Codes of Conduct and the implications thereof.
- 4.20 A Task and Finish Group for the survey was appointed comprising Councillors Dee and Mellings, parish/town Councillor Prof. Collins and Messrs Griffiths and Parry (Independent members of the Standards Committee). The Group's remit was to oversee and commence the survey and report back thereon.
- 4.21 The survey sought to cover the Code of Conduct; allegations of member misconduct; balancing rules and trust; ethical governance overview; leadership; and transparency in carrying out Council business. The outcomes were intended to provide results for members and senior management indicating strengths and weaknesses and recommendations with an action plan.
- 4.22 The survey document was despatched electronically to all 74 elected members of the Council; the 14 independent and parish/town council representatives on Standards Committee; 7 co-opted members of Scrutiny Panels; and 88 senior officers.
- 4.23 From a total of 183, 102 persons completed and returned the survey form of which 52 were members and 50 were senior officers. This represents a 54.73% response rate from members and 56.8% from senior officers.
- 4.24 As far as the member responses to the survey were concerned, the overall results were good and indicative of an improvement in the understanding and requirements of the Code of Conduct. Attention needs to be given to the Code's requirements on members who have personal/prejudicial interests in Council business. Members need to be very clear as to their legal duties when such situations arise and what they are required to do.
- 4.25 The survey also revealed issues regarding communications and the need for greater clarity about ethical governance and the role of members in both the printed form and on the Council's website.

- 4.26 Similarly there was an encouraging response from senior officers who completed the survey. The results showed a need to promote the roles of both members and officers within the ethical framework to ensure clarity, e.g. by training presentations via Departmental Management Teams and an improved explanatory guide for the public on the Council's website.
- 4.27 An action plan surrounding the above matters and other issues arising from the survey results have been prepared and are in the course of implementation.

Outlook for 2010/11

- 4.28 During the past 12 months, local government has been awaiting from central government, refinements/amendments/clarity to the 2007 Code of Conduct for Members. This to date has not been forthcoming, and it is not known if the changes to the Code will occur in 2010/11.
- 4.29 The government has announced that there will be provision in its proposed Decentralisation and Localism Bill to "abolish the Standards Board regime". The draft bill is to be published this autumn, when the implications for local government can be better understood, and to what extent any local standards framework is proposed.
- 4.30 As far as we are aware, there are no plans to abolish Standards Committees but with the likelihood of the strategic light touch regulator – Standards for England – being abolished, this could result in changes to the current system of working for Standards Committees and the Monitoring Officer.
- 4.31 Notwithstanding the points mentioned in paragraphs 4.28 – 4.30, it would appear that the main challenge for this year will be the ongoing practical implementation of dealing with complaints about member conduct. In addition the need to provide advice, guidance and refresher courses where appropriate, on ethical governance, to members and co-optees of Shropshire Council remains valid. Similarly, the "rolling programme" of training for parish/town councillors is still a priority.
- 4.32 Addressing all of the issues thrown up by the Ethical Governance Survey will also be pursued.
- 4.33 The Standards Committee is conscious of the need to continue to promote high ethical standards in order to increase the public's confidence in local democracy. It believes this can be achieved by the authority as a whole leading by example; the continuance of open governance; even greater use of the Council's website; and the provision of more training/refresher courses on ethics and probity.

- 4.34 All of the above is aimed towards achieving high standards of ethical conduct in the services which local government provides to the general public in Shropshire.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Decision Notices of Assessment Sub-Committee regarding complaints on member conduct. Standards in Local Government Booklet. Training for Parish/Town Councillors Reports to Standards Committee. Ethical Governance Survey Results.</p>
<p>Human Rights Act Appraisal The report is compatible with the Human Rights act 1998</p>
<p>Environmental Appraisal N/A</p>
<p>Risk Management Appraisal It is vital to ensure high standards of conduct from election and co-opted members of Shropshire Council and the parish/town councils. A failure to do so will undermine the public's trust in their local Councillors and Councils</p>
<p>Community / Consultations Appraisal N/A</p>
<p>Cabinet Member N/A</p>
<p>Local Member All areas of the County</p>
<p>Appendices None</p>

Summary of Complaints 01.04.09 – 31.03.10

Authority	TOTAL	DECISION				COMPLAINANT		
		NA	INV		OA	Mem	Off	Pub
			MO	SfE				
Bridgnorth TC	3	2			1	2		1
Church Stretton TC	1	1						1
Ludlow TC	4	4						4
Much Wenlock TC	12	12						12
North Shropshire DC	1	1						1
Norton in Hales PC	1	1				1		
Pontesbury PC	1	1						1
Ruyton XI Towns PC	2	2				1		1
Sherrifhales PC	1		1			1		
Shifnal TC	4	2	2				4	
Wem Rural PC	2	2						2
West Felton PC	10	4		4	2	8	2	
Weston under Redcastle PC	1	1						1
Whitchurch TC	4	3	1			4		
Woore PC	1		1				1	
Shropshire Council	4	3	1				1	3
TOTAL	52	39	6	4	3	17	8	27

NA: No action
 INV: Investigation:
 (MO: Monitoring Officer)
 (SfE: Standards for England)
 OA: Other Action
 Mem: Member
 Off: Officer
 Public: Member of the Public