

STANDARDS COMMITTEE - 23 APRIL 2009

COMPLAINTS AND THE QUARTERLY RETURNS

Report of the: Monitoring Officer

Status: For information purposes

Executive Summary: The new locally based member complaints regime is now in place. During the period since November 2008 to 31st March 2009 there has been 8 new complaints against Members of the Parish and Town Councils that they may have breached the Code of Conduct. The Standards Board for England monitors local standards regime arrangements via an online information return system. Returns are made by authorities on a quarterly basis. The Standards Board will be collecting information from standards committees in the form of an annual return from late April 2009.

This report supports the Key Aim of effective management of Council resources.

Portfolio Holder Cllr. Loney

Head of Service Head of Legal and Democratic Services – Christine Nuttall

Recommendation: Members are requested to note this report.

Background

- 1 The local standards complaints regime is now in place and provides for the local receipt, assessment, investigation and determination of complaints that a Member may have breached the Members' Code Conduct by standards committees.

Introduction

- 2 Under the new regime, standards committees now have three separate but distinct roles in relation to complaints about Member conduct:
 - receiving and assessing complaints;
 - reviewing local assessment decisions where this is requested by the complainant; and
 - considering investigation reports and conducting hearings to determine complaints following investigation.

- 3 The Standards Committee has therefore established three sub-committees to undertake these functions on its behalf:
 - an Assessment Sub-Committee Relating to Allegations of Member Misconduct;
 - a Review Sub-Committee Relating to Allegations of Member Misconduct;
 - a Determination Hearing Sub-Committee following an Investigation into Member Misconduct.
- 4 Complaints are assessed in accordance with the Standards Committee's agreed Procedure for Local Assessment of Complaints about Allegations of Member Misconduct and Criteria for Local Assessment of Complaints. Determination Hearings are conducted in accordance with the Procedure for Referrals to the Monitoring Officer for Investigation and Determination.

Quarterly Returns

- 5 As the national regulator responsible for monitoring and promoting ethical standards the Standards Board for England (the Board) monitors local standards regime arrangements via an online information return system.
- 6 Returns are made by authorities on a quarterly basis. The Monitoring Officer has submitted the following returns:
 - 8th May 2008 to 30th June 2008 one complaint about a Swanley Town Member was referred for other action namely training.
 - 1st July 2008 to 30th September 2008 a nil return was submitted.
 - 1st October 2008 to 31st December 2008 a nil return was submitted.
 - 1st January 2009 to 31st March 2009 eight complaints were received relating to Members from Hartley Parish Council, Dunton Green Parish Council, Brasted Parish Council and West Kingsdown Parish Council. In all cases no action was taken in respect of the complaints.

Information from the Board on the Quarterly Returns

- 7 The Board has released information about the reporting system to date which shows that since the second quarter returns have been received from all 473 principal authorities.
- 8 In the future the Board will be naming on their website all the authorities that do not complete returns. This is partly to encourage authorities to carry out the task. It is also for transparency, as anyone using the quarterly statistics may need to be able to identify which authorities are excluded from the analysis.

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- 9 A total of 2,030 cases have been recorded on quarterly returns up to 31st December 2008. Some 69% of authorities have dealt with at least one case during the first three quarters. Of all the authorities with cases, the average recorded is two per quarter. Generally there has been fewer cases recorded now than under the old arrangements, although it is important to note that the first quarter started late due to the legislation not being introduced until 8th May 2008.
- 10 Of the complaints recorded 58% are from members of the public and 34% are from council members. The remaining 10% are from a combination of officers, parish or town clerks, MPs, monitoring officers, and those completing the form as 'other'.
- 11 No further action has been taken in 52% of cases recorded. 14% were referred to another authority. 28% were referred to the monitoring officer for investigation. 6% were referred to the Board. 1% were referred to the monitoring officer for other action.

The Board's Annual Return

- 12 The Board will be collecting information from standards committees on their activities and on their arrangements for supporting ethical conduct each year, starting in late April 2009.
- 13 The aim is that this information will enable the Board to drive up the performance of standards committees and of ethical conduct generally by identifying and then sharing notable practice. They will also be able to identify and offer support to those authorities experiencing problems.
- 14 The annual return will complement the quarterly return and the Board say that they are in the process of refining the questions. Broadly the Board will be asking about:
 - protocols for member/officer relations
 - the existence of any mechanisms for dealing with member/member and member/officer disputes
 - the chair of the standards committee's relationship with the chief executive, the monitoring officer and the leader
 - what the standards committee is doing to promote its work both within the authority and externally
 - the general activities of the standards committee, for example providing training
- 15 The annual return will take the form of an online questionnaire,
Options (and Reasons for the Recommendation)
- 16 The report is for information and discussion.

Key Implications

Financial

- 17 The additional work resulting from the monitoring regime will be absorbed within existing budgets

Impact on and Outcomes for the Community

- 18 Quarterly and annual returns to the Board will enable the Board to monitor local standards regime arrangements. Dr Robert Chilton, Chair of the Standards Boards, has said: “The Standards Board is working closely with local authorities and government agencies to ensure good standards of member conduct are at the heart of local government. We want to make sure there is a transparent, effective local standards system, backed up by effective local investigation and principled decision making, which will make a big contribution towards building confidence in local democracy”.

Legal, Human Rights etc.

- 19 Fair procedures for monitoring complaints and raising ethical standards should go some way in ensuring a transparent hearing process that the public can have confidence in and which complies with the relevant articles of the European Convention.

Resource (non-financial)

- 20 No additional non financial resource implications are identified.

Value For Money and Asset Management

- 21 There is no budget for the administrative expenses resulting from the new reporting systems and attempts will be made to try and absorb the function within existing budgets.

Equality

- 22 Members of the public will have access to the new reporting processes.

Sustainability Checklist

- 23 The quarterly reporting system that has been put in place plus the annual return should ensure that there is a transparent, effective local investigation system which will contribute towards building confidence in local ethical standards.

Conclusions

- 24 As a national regulator responsible for monitoring and promoting ethical standards the Board monitors local ethical framework arrangements via an online information return system. Returns are made by authorities on a quarterly basis. The Monitoring Officer has submitted a return of eight

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complaints for the Authority for the reporting quarter ending on the 31st March 2009. The Board is implementing an annual return starting at the end of April 2009 and local authorities can use the system to inform the Board of their achievements in supporting standards.

Risk Assessment Statement

- 25 The Board will intervene if a local standards committee or monitoring officer fails to carry out their functions properly. This could result in the Board suspending an authority's assessment functions. If the Board makes a direction to this effect, the authority must publish details of it in a local newspaper and any other publication the Board thinks is appropriate. This could result in humiliation for the authority and a loss of public confidence.

Sources of Information: The Bulletin from the Board – February 2009

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