

**ANNUAL REPORT OF SUFFOLK COASTAL DISTRICT COUNCIL'S STANDARDS
COMMITTEE
APRIL 2009 - MARCH 2010**

1. BACKGROUND AND MEMBERSHIP OF THE COMMITTEE

- 1.1 The Local Government Act 2000 required the Council to establish a Standards Committee with the purpose of promoting an ethical governance framework within which Councillors can be seen to demonstrate high standards of conduct and transparent decision-making, including compliance with the Code of Conduct for Councillors. This role for the Standards Committee extends to all District, Town and Parish Councillors within the Suffolk Coastal area.
- 1.2 The Council has established a Standards Committee, composed of two 'independent' persons who are not councillors or officers of this Council or any other body having a Standards Committee; two members of parish councils wholly or mainly in the Council's area, who are selected from nominations made by the Suffolk Association of Local Councils (SALC).
- 1.3 Standards Committees do not have to comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989, nevertheless the Council has agreed that the District Council members of the Standards Committee shall be appointed in accordance with political balance rules.
- 1.4 Independent members are entitled to vote at meetings of the Standards Committee. They are appointed at full Council by vote of a majority of the members present and voting. The task of short listing and interviewing persons applying to be independent members of the Standards Committee, and of making appropriate recommendations to Council, is delegated to an appointment panel consisting of the Monitoring Officer and Deputy Monitoring Officer. Independent persons are appointed for a period of four years. The initial appointments are one of four years and one of two years. If a vacancy occurs a new independent member shall be appointed to complete the term of office of the vacating member.
- 1.5 It is now a legal obligation for the Council's Standards Committee to be chaired by an independent person. I became the independent chairman of Suffolk Coastal District Council's Standards Committee in 2002 and was reappointed following advertisement and selection in January 2010 for a term of four years. The term of office of the two Parish Representatives, Mr Argent and Mr Montgomery, also expired in January 2010. Following a selection process conducted by the Monitoring Officer and the Deputy Monitoring Officer, Mr Argent was appointed to represent the larger parishes, and Mr Long, the smaller parishes. I wrote to Mr. Montgomery, as did the Monitoring Officer, to thank him for his service to the Committee. The other members of the Committee are:
- Councillor Peter Bellfield (District Councillor) (Vice-Chairman)
 - Councillor Cliff Cocker (District Councillor)
 - Councillor Michael Deacon (District Councillor)
 - Councillor John Kelso (District Councillor)
 - Mr Michael Argent (Parish Representative – Larger Parishes)
 - Mr David Long (Parish Representative – Smaller Parishes)
 - Mrs Pamela Corder (formerly Linsey) – Independent Member
- 1.6 There have to be a minimum of three members of the Standards Committee present for its meetings to be properly constituted. One of these must be an independent member. The committee will be quorate even if the parish council representatives are not there – although at least one parish council representative must be present for discussion of matters affecting parish councils.

- 1.7 The Standards Committee has the following roles and functions:
- (a) promoting and maintaining high standards of conduct by councillors and officers;
 - (b) advising the Council on the adoption or revision of the Members' Code of Conduct;
 - (c) advising the Council on the adoption or revision of an employees' code of conduct;
 - (d) advising the Council on the adoption or revision of a Member/Officer Protocol;
 - (e) assisting the councillors to observe the Members' Code of Conduct;
 - (f) monitoring the operation of the Members' Code of Conduct;
 - (g) advising, training or arranging to train councillors on matters relating to the Members' Code of Conduct;
 - (h) granting dispensations to councillors from requirements relating to interests set out in the Members' Code of Conduct; and
 - (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer.
 - (j) raising awareness of ethical and conduct issues in authorities
 - (k) overview role following Ombudsman cases
 - (l) to review the Council's Whistleblowing Policy on harassment and bullying and Protocols for councillors dealing with planning and rights of way matters
 - (m) receive monitoring reports on declarations of interest made and gifts/hospitality received by members
 - (n) to receive and deal with written allegations that a member or co-opted member (or former member or co-opted member) of the District Council or parish/town councils within the District area, has failed, or may have failed, to comply with the authority's code of conduct, in accordance with Part 10 of the Local Government and Public Involvement in Health Act 2007
- 1.8 As part of the work to raise the profile of ethical governance, Members of the Standards Committee are asked to consider whether this annual report undertaken by the Committee should be presented to Council. It should be recognised that high ethical standards are the cornerstone of good governance. They are an integral part of good corporate governance arrangements and can lead to increased confidence in local democracy.
- 1.9 Meetings of the Committee are usually held in public. However it is sometimes necessary to exclude the public and press from parts of meetings if reports that are considered to be exempt for the purpose of the Local Government Act 1972 need to be discussed. The Committee is committed to openness and transparency and only excludes the public and press if it is absolutely necessary to do so.

2. COMPLAINTS ABOUT COUNCILLORS

- 2.1 Since the provisions for local assessment were introduced in May 2008, the Standards Committee has had to deal with complaints against town/parish councillors, and district councillors too. For 2008-2009, we received nine. For 2009-2010, we received eight. This is a low number, considering that there are 117 town/parish councils in the district, with several hundred members, and 55 district councillors.
- 2.2 Of the eight complaints received and assessed in 2009-10, three were against district councillors, and five were against parish councillors. Of the eight, three decisions were to take "no further action". One complaint was referred to Standards for England, who also decided to take "no further action". One complaint was referred for "other action". Two complaints were referred for investigation. One of these is currently being investigated. The other was investigated and "no breach" was found. One complaint was withdrawn by the complainant and subsequently re-submitted in a slightly different form.

2.3 The number of complaints and local assessments are reported by the Monitoring Officer, quarterly, to SfE via their online return form, on their website. In 2008-09, two out of nine complaints made to this Committee (22.2%) were referred for investigation, compared to 25% last year. This compares with 28.4% nationally-see the table below, produced by Standards for England (SfE), showing the split of initial assessment decisions taken from quarterly returns as follows:

Initial assessment decision	Q1 2008/09	Q2 2008/09	Q3 2008/09	Q4 2008/09	Q1 2009/10	Q2 2009/10	Q3 2009/10	Q4 2009/10	Total
No further action	45.2%	54.2%	54.9%	52.9%	53.4%	48.3%	55.4%	49.7%	52.2%
Referred to another authority	0.0%	0.2%	0.0%	0.6%	0.3%	0.0%	0.3%	0.0%	0.2%
Other action	16.4%	13.2%	10.7%	10.1%	13.2%	11.4%	11.9%	17.0%	12.7%
Investigation	35.4%	26.2%	28.0%	28.9%	28.0%	36.7%	23.9%	23.2%	28.4%
Referred to SfE	3.0%	6.1%	6.4%	7.5%	5.2%	3.6%	8.5%	10.2%	6.5%

2.4 The Committee also dealt with one case referred to by Waveney District Council, where that authority's Standards Committee had made a decision to take "no further action" and the complainant asked for a review. The decision was up-held by this authority's Standards Committee. Mrs Slater has also dealt with a case where she advised the Standards Committee at Waveney District Council where the Monitoring Officer for that authority had a conflict of interests and could not act. The reciprocal arrangements between Waveney District Council and Suffolk Coastal District Council have worked well. I would like to thank Waveney District Council and their Monitoring Officer, Mr Charvonia, and Mrs Light, Member Development Officer, for their help and support.

2.5 Statistics from the quarterly returns to SfE also show that Unitary councils are more likely to investigate a complaint than other types of authorities. Also, county councils use other action far more often than other authority types. Metropolitan, district, and unitary councils refer the largest proportion of complaints to Standards for England.

Authority Type	No further action	Referred to another authority	Other action	Investigation	Referred to Standards for England
County Council	49%	0%	19%	28%	4%
District Council	51%	0%	14%	29%	7%
London Borough	59%	1%	12%	27%	2%
Metropolitan Council	58%	0%	10%	25%	7%
Unitary	52%	0%	11%	30%	7%

2.6 Guidance from SfE recommends that it should take, on average, 20 working days from receipt of a complaint to an initial assessment decision being made.

As of 31 March 2010, 64% of initial assessment decisions during the financial year 2009/10 were made within 20 working days. At this authority, all bar one of the complaints made in 2009/10 were locally assessed within twenty working days, most being dealt with in 16-20 working days.

	2008/09					2009/10				
Assessed within (working days)	Q1	Q2	Q3	Q4	08/09 Total	Q1	Q2	Q3	Q4	09/10 Total
0 - 5 days	4%	5%	6%	3%	5%	6%	4%	4%	6%	5%
6 - 10 days	8%	11%	15%	15%	13%	16%	13%	13%	17%	15%
11 - 15 days	23%	21%	20%	24%	22%	19%	19%	24%	26%	22%
16 - 20 days	23%	30%	29%	30%	29%	22%	19%	23%	25%	22%
21 - 25 days	15%	10%	14%	10%	12%	15%	13%	16%	10%	14%
26 - 30 days	8%	5%	6%	5%	6%	6%	6%	6%	9%	6%
More than 30 days	19%	18%	11%	13%	15%	16%	26%	14%	7%	16%

2.7 The Standards Board for England in their guidance about local assessment suggest that the complaints system should be publicised. The Council's complaints form is available in hard copy, in the Council's reception. It is also available online, with information about how to complain. Also, the Monitoring Officers county-wide have agreed a leaflet about "How to make a complaint about a councillor". Suffolk County Council has had this leaflet printed at no cost to this authority. The leaflet is available from council offices and libraries across the county, and so assists with the publicity about the complaints process.

2.8 The new standards framework has been in place for two years. The information which SfE collects on a quarterly basis, shows the following:

Size of standards committees	(2008/2009)	(2009/2010)	Change since 2008/2009
Largest standards committee	20	27	+7
Smallest standards committee	4	4	0
Average size of a standards committee	10	10	0
Average number of independent members	4	4	0
Average number of parish representatives (authorities with parishes)	3	3	0
Number of Independent members	(2008/2009)	(2009/2010)	Change since 2008/2009
Most independent members	9	10	+1
Least independent members	1	1	0
Average number of independent members	4	4	0

Number of Parish representatives	(2008/2009)	(2009/2010)	Change since 2008/2009
Average number of parish representatives on standards committees	3	3	0
Most parish representatives	8	10	+2
Fewest parish representatives	1	1	0

Therefore, a typical standards committee in an authority without parishes has 9 members, including 4 independent members. A typical standards committee in a parished authority has 12 members, including 4 independent members and 3 parish representatives.

- 2.9 A complaint about the conduct of a Councillor may not necessarily be made in writing, for example, it may be a concern raised initially with the Monitoring Officer. A number of queries were received over the telephone by the Monitoring Officer from Town and Parish Councils requiring clarification about Councillor behaviour linked to potential Councillor Code of Conduct issues. The Monitoring Officer gave advice on a number of such inquiries and considered options for informal resolution to help resolve a number of situations.

3. DECLARATIONS OF INTERESTS AND GIFTS/HOSPITALITY

- 3.1 The Committee received regular reports regarding declarations of interest and gifts and hospitality and was reassured that the Code is being properly complied with.
- 3.2 In accordance with a recommendation of the Council's external auditors that each Member of the District Council should up-date their Register of Interests annually, Members were duly requested to do so by the Monitoring Officer in May 2008, with further requests to be made in May of each year of the current administration.

4. TRAINING AND DEVELOPMENT EVENTS

- 4.1 Training undertaken in relation to ethics and the Code of Conduct in 2009/10 was as follows:
- Three Members of the Standards Committee attended a countywide training event on 8 September 2009 about Standards and the Planning Committee, which included speakers from Standards For England and the Planning Advisory Service
 - The Monitoring Officer attended the Annual Standards Conference run by Standards for England in October 2009, dealing with the latest issues relating to Standards and the ethical framework, and presented a detailed report for Members of Standards Committee about the conference at its November meeting.
 - Members of the Standards Committee attended the annual County meeting of Monitoring Officers and Standards Committee members on 4 November 2009 dealing with current issues relating to standards and the ethical framework.
 - On 14 January 2010 the Monitoring Officer did a training session for a Parish Council about the Members' Code of Conduct
 - On 4 March 2010 the Standards Committee watched a training dvd produced by SfE about the Local Assessment of complaints.
 - Every Standards Committee receives a Recent Developments report highlighting recent case law and cases locally to do with the Ethical Framework and the Code of Conduct.

- The code of conduct for officers is on the intranet and is covered within the Council's induction programme for all new members of staff.
- SfE publications such as the "Bulletin" and annual "Case Digest" circulated to members of the Committee in hard copy, or an email link provided.

5. OTHER WORK

- 5.1 The Committee reviewed and advised about Members' Correspondence in May 2009 (Paper SC 04/09 refers). Indemnities for Members were considered in July 2009 (Paper SC 07/09 refers) and this matter was subsequently referred to Cabinet and Council. Members have adopted the form of indemnity suggested by the Committee. In September 2009, gifts and hospitality were reviewed (Paper SC 10/09 refers). The Committee received the Local Government Ombudsman's Annual letter for 2008/09 in September 2009 (Paper SC 09/09 refers) and reviewed it.
- 5.2 Also in September 2009, the Committee considered some guidance about "other action" and adopted criteria which Monitoring Officers county-wide had agreed. (Paper SC15/09 refers). A difficult issue about dispensations for Members of Parham Parish Council was considered in November 2009 (Paper SC13/09 refers), and the Hearings Procedure was reviewed in March 2010 (Paper SC02/10 refers).
- 5.3 The Monitoring Officer and the Council's s151 Officer (responsible for the Council's finances) meet regularly with the Council's Strategic Management Team to report on issues to do with ethical governance. This is in accordance with the requirements of the Council's Monitoring Officer Protocol set out in Part 5 of the Council's Constitution.
- 5.4 I attend Council meetings bi-monthly in order to present minutes of the Committee's meetings and to answer any questions which Members may have. This is useful as it alerts me to any areas of concern which the Council may have about the ethical framework and it highlights the work of the Committee to other Council members.

Signed.....

Mr K Williams

Chairman of Standards Committee