



Standards Committee

Annual Report 2010

Published March 2011

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Preface



I am pleased to have been asked to write a preface to the Annual Report of the Standards Committee. The people of Darlington are entitled to expect high standards of conduct from the representatives that they elect to serve them.

It is of some credit that, as an Authority, we receive only a small number of complaints against members and that while each and every complaint is carefully looked at, it is rare for a complaint of misconduct to be upheld. While we can be proud of this, there is no room for complacency and all members must continue to be alive to ethical issues.

In Darlington we are fortunate to have an active and effective Standards Committee that is working to ensure that good practice in this area continues. From reading this Annual Report it is clear that the Standards Committee has been busy over the last year.

For the year ahead the Committee has set out a work programme. I support the programme and would encourage both members and the public to follow and keep up to date with the work that the Committee will be doing in 2011.

The Localism Bill will introduce major legislative changes to the way that standards are dealt with locally. I have every confidence that in Darlington with the help of the Standards Committee, we will be well placed to deal with and respond to the changes that lie ahead.

On behalf of the Members of the Council and Parish Councils in the Darlington Borough and also on behalf of the people that we serve, I would like to thank the Members of the Standards Committee for the work they have done over the last year.

Councillor Williams, MBE, DL,
Leader of Darlington Borough Council

Chair's Foreword



After the May 2010 election, the new Coalition Government announced that there would be a major shift in local authority standards to focus on a more locally devised member conduct system. The proposals, which are set out in the Localism Bill, are the most radical changes to local authority standards since the Local Government Act 2000 created the national Code of Conduct, the Standards Board for England and Standards Committees.

The Bill proposes to abolish the Standards Board for England. Local Authorities will be given the choice of whether to continue with a Code of Conduct (which will no longer have to follow a national model code) and whether to have a Standards Committee. While the Bill is unlikely to become law until the end of 2011, there are very significant issues relating to the way in which standards and member conduct are to be addressed in future by this authority and the role of the Standards Committee. This Committee will need to help to develop the arrangements that will be in place after the Localism Bill becomes law and this is likely to be a significant part of our work in 2011.

While these proposed changes did colour our year, with a noticeable reduction of work being undertaken by Standards for England, in other respects it has been business as usual.

The Committee has continued to discharge the complaints handling role and has gained significant experience in this area. The level of complaints continues to be below the national average for a Unitary Authority (around 13 or so per year). We were also involved in a range of other activities as can be seen from reading the details of the work we did during the year (see page 9 of this report)

The Committee is fortunate in retaining a membership of experienced and dedicated Members who give detailed and informed consideration to their role. I would like to thank the Members of the Standards Committee for the support and commitment they have given to the work of the Committee over the last year.

Mike Airey, Independent Chair of the Standards Committee

Members of the Committee

The Standards Committee is composed of three Independent Members, five Borough Council Members and three Parish Council Members.

Independent Members:

Mike Airey, is the longest serving member of the Committee having been a member since its inauguration in 2001. He is the Chair of the Committee. Mike is a member of the Darlington Partnership Board. He is the Darlington Branch Manager of the Swedish Bank Handelsbanken.

Francis Hayes, a member of the Committee since March 2007, appointed Vice Chair of the Committee in September 2007. A retired former local government Solicitor, currently the Independent Chair of the Standards Committee at Stockton on Tees Borough Council.

Mike Hill, a member of the Committee since March 2007. Recently retired from his role as the Chief Executive of Darlington Citizens Advice Bureau.

Borough Council Members:

Councillor Brian Jones, a member of the Conservative Group, has been a Darlington Borough Councillor since 2003. A member of Middleton St George Parish Council. A member of the Standards Committee since May 2003.

Councillor Fred Lawton, a member of the Liberal Democrat Group and has been a Darlington Borough Councillor since 2004. A member of the Standards Committee since May 2008.

Councillor Ron Lewis, a member of the Conservative Group and has been a Darlington Borough Councillor since 1987. Previously Mayor of Darlington 2003 –2004. A member of the Standards Committee since May 2008.

Councillor Jackie Maddison, a member of the Labour Group and has been a Darlington Borough Councillor since 2003. A member of the Standards Committee since May 2008.

Councillor Wendy Newall, a member of the Labour Group and has been a Darlington Borough Councillor since 1999. A member of the Standards Committee since May 2008.

Parish Council Members:

Councillor Derek Dodwell, a member of Neasham Parish Council, a member of the Standards Committee since August 2008.

Councillor Maggie Beadle, a member of Middleton St. George Parish Council, a member of the Standards Committee since August 2008.

Councillor Michael French, a member of Heighington Parish Council, a member of the Standards Committee since November 2010.

Councillor Valerie Whitby, a member of Heighington Parish Council, a member of the Standards Committee since November 2006 (until August 2010).

The work of the Standards Committee is supported by, Catherine Whitehead, the Council's Monitoring Officer.

The Monitoring Officer

Catherine Whitehead, Assistant Director (Resources) is the Monitoring Officer.

The Monitoring Officer is one of the three designated officers that every Council must have (the other two being the Head of Paid Service and the Chief Finance Officer). Although there is no requirement for the Monitoring Officer to be legally qualified, the Assistant Director (Resources) is a qualified solicitor.

The Monitoring Officer has a statutory role in ensuring that the Council, its Members and officers carry out their functions in a proper and lawful manner.

The Monitoring Officer has an important role in contributing to the promotion and maintenance of high standards of conduct throughout the organisation.

The Monitoring Officer is responsible for establishing and maintaining the register of Members interests.

The work of the Standards Committee is supported by the Monitoring Officer who is the main legal advisor to the Standards Committee and its Sub Committees. She is responsible for ensuring that decisions of the Standards Committee are implemented. If the Standards Committee refers an allegation for investigation the Monitoring Officer will appoint another officer to investigate the allegation and should there be a local determination hearing, will act as the legal adviser to the Standards Committee.

The Monitoring Officer is also the main point of contact with the Standards Board for England.

Introduction to the Standards Committee

All Councils must demonstrate high standards of ethical conduct in the actions of their Members and Officers.

The Standards Committee seeks to ensure that the Borough Council and Parish Council members within the Borough of Darlington observe the Code of Conduct that governs the ethical standards of conduct expected of Councillors.

Part of the role of the Committee is to promote good standards of conduct and help in advising and educating Councillors about the Code of Conduct. The Committee also reviews the work that is undertaken to oversee ethical standards. This includes ethical issues relating to the wider work of the Council, such as the Code of Conduct for employees, the operation of the Confidential Reporting (Whistle blowing) Policy and matters relating to corporate governance.

Since May 2008 the Committee has been responsible for receiving all complaints about alleged breaches of the Code of Conduct made against members of Darlington Borough Council and Parish Councillors within the Darlington area. There is an initial assessment stage when the Assessment Sub Committee of the Standards Committee meets to consider whether the complaint relates to a local member, if it alleges a potential breach of the Code of Conduct and if so, whether it ought to be investigated or dealt with by other means such as mediation, member training or otherwise. Some decisions made by the Assessment Sub Committee can be appealed by the complainant and if an appeal is made this will be considered by a different panel, the Review Sub Committee.

If a complaint has been investigated and a breach of the Code is disclosed then the Consideration and Hearing Sub Committee will be convened. This Sub Committee will hear evidence and representations and then determine if there has been a breach of the Code of Conduct and if so what penalty is appropriate. The penalties that the Sub Committee can impose are;

- censuring the Councillor
- requiring a written apology from the Councillor
- requiring the Councillor to undergo training
- requiring the Councillor to participate in conciliation
- imposing restrictions on the Councillor's access to Local Authority premises or resources for up to 6 months
- suspending, or partially or conditionally suspending the Councillor from being a member of the Council for a period not exceeding 6 months.

The work of the Standards Committee in 2010

Meetings of the Committee

The Standards Committee met in plenary session on four occasions during the year, on 18 January 2010, 1 March 2010, 7 June 2010 and 11 October 2010. Further information about these meetings, including agendas, reports considered and minutes are available on the website www.darlington.gov.uk

Sub Committee Meetings

There were also a number of Sub Committee meetings during 2010. The Assessment Sub Committee met on 15 March 2010, 13 August 2010 and 21 December 2010. The Consideration and Hearing Sub Committee met on 7 June 2010.

Member conduct issues

Although there has been a reduction in the number of complaints, a significant part of our work this year has been spent on dealing with complaints that have been made against Councillors. The Assessment Sub Committee met 3 times over the year and in addition there was one meeting of the Consideration and Hearing Sub Committee.

Details of the way that complaints were dealt with is set out below:

Complaints Processing		
	2009	2010
Total number of complaints dealt with	7	5
Referred for investigation	1	2
Referred for mediation	1	0
Potential breach – no further action	4	0
No potential breach – no further action	1	3

Determination Hearings		
	2009	2010
Hearings	2 (from complaints made in 2008)	1
Outcomes	2 Parish Councillors found in breach of the Code. Both received 1 month suspension, until they had received training from the Monitoring Officer	1 finding of no failure against a Parish Councillor. (1 complaint under investigation)

Updating Members on Complaints handling

The Committee was kept apprised of the complaints that were received and dealt with by the Assessment Sub Committee and by the Consideration and Hearing Sub Committee. A specific report to the Committee considered the numbers of complaints and sought to provide analysis of the data.

Considering Guidance

The Committee received a report on updated guidance that had been developed by Standards for England relating to Predisposition, Predetermination or Bias.

Annual Return to the Standards Board for England

The Committee also received a report giving information about the annual return that was to be submitted to the Standards Board for England by the Monitoring Officer.

Comprehensive Area Assessment

The Committee received a report about the Comprehensive Area Assessment (an annual exercise undertaken by the Audit Commission to check and review the performance of each local authority) and considered the ethical dimension of the assessment. The 'Key Lines of Enquiry' relating to governance and the ethical framework that are used by the Audit Commission in conducting the assessment were considered. The Committee considered how the Council might improve and better promote and demonstrate the principles and values of good governance.

Publicity

The Committee considered and reviewed the work that has been done to publicise the role of the Standards Committee, in particular relating to local assessment. The Website was reviewed and refreshed (see. www.darlington.gov.uk)

Ethical Health Indicators

The Committee considered a report giving quarterly returns of data on matters that could provide some indication of the ethical health of the Council. The data included the numbers of District Audit Public Interest Reports, objections to the Councils Accounts, whistle blowing incidents reported, disciplinary action for breach of the Member/Officer protocol, disciplinary action relating to fraud, freedom of Information indicators,

industrial action taken or notified, Employment Tribunal claims, complaints and Ombudsman referrals. The purpose of reviewing the indicators is to seek to identify any unusual or significant changes in the volume of data recorded from quarter to quarter that might provide an alert to any deterioration in the ethical health of the authority. Nothing of particular concern was identified during the year.

Community Survey

The Committee considered a report that analysed the data obtained from the 2009 Annual Community Survey relating to questions about trust and confidence in Councillors and officers and also the level of awareness that local residents have about the Standards Committee. As a result the Committee decided to seek to hold some of its meetings in local colleges of education. The June meeting of the Committee was held at Darlington College and students attending the college were invited.

Annual Report

The Standards Committee received a report on the draft 2009 annual report of the Standards Committee and made a number of suggestions relating to content and layout.

First Tier Tribunal (Local Government Standards in England)

The Committee received a report giving details about changes to the national body that deals with appeals from local Standards Committees. As a result of changes to the Tribunal Service the Adjudication Panel for England, was transferred into the General Regulatory Chamber and became known as the First Tier Tribunal (Local Government Standards in England). The Committee were also advised of a number of procedural changes made.

Raising the Standard

The Committee produced a newsletter 'Raising the Standard' which looked at ethical and standards issues. This was circulated to members in 2010.

Publications from the Standards for England

Relevant publications written by Standards for England, such the Bulletin, and relevant guidance, have been reported to the Standards Committee and discussed.

Members Training and Development Programme

One of the roles of the Standards Committee is to monitor Borough Councilors' attendances at training courses and see if they have attended the prescribed minimum number of 5 in a year. The Committee received two reports about this over the year.

Proposals for change

Following the change of Government in May 2010 the Committee received and considered a report about the new Governments proposals for radical change relating to the way that local authority member conduct is dealt with. The proposal to abolish the Standards Board for England led in 2010 to Standards for England scaling back their role, discontinuing quarterly returns (that Monitoring Officers had been required to file) and cancelling the annual national conference.

Work Programme for 2011

Legislation and case developments

The Localism Bill is of major significance and although it is unlikely to be in force before 2012 the Committee will need to keep the progress of Bill under close review in order to plan for and be ready for any changes to standards and ethical governance.

The Localism Bill, which was presented to Parliament in December 2010, sets out radical changes to the way that local authority member conduct will be dealt with. The Bill proposes to abolish the Standards Board for England. Responsibility for standards will be devolved to individual local authorities who will be free to decide whether or not to continue with a Code of Conduct, what form the Code should take (the national model code will be scrapped) and whether to have a Standards Committee.

The Bill raises very significant issues relating to the way in which standards and member conduct are to be addressed in future by this Authority and the role of the Standards Committee. This Committee will need to help to develop the arrangements that will be in place after the Localism Bill becomes law and this is likely to be a major part of our work in 2011.

The Committee will also need to keep apprised of other developments relating to ethical standards and of relevant case decisions and guidance.

Review of Initial Assessment

The Committee will need to continue to monitor the complaints handling process and to keep under review the nature and number of the complaints being received. If any particular problem areas are identified then action may be needed to address them by training, through the newsletter or otherwise.

Publicity, communication and engagement

Given the changes proposed in the Localism Bill, there will be an additional need for the Committee to ensure that the public are aware of how the changes are to be taken forward locally. From work previously undertaken by the community survey, young people have been identified as a group that has been difficult to reach. The Committee will be looking at holding a meeting this year in the sixth form college. The Standards Committee presence on the Council's website will continue to be updated to ensure that all relevant information about its work is available.

Ethical Health Indicators

The Standards Committee will continue to receive and review reports giving quarterly returns of data on ethical health indicators.

Review of Members Interests

The Committee will receive a report of work undertaken to encourage Councillors to review and update their register of interests and the outcomes of the review process.

Confidential Reporting Policy

A report will be prepared advising the Committee of the work undertaken to highlight and publicise the Confidential Reporting (Whistle blowing) Policy to staff and contractors.

Training

Training will be of continuing importance this year. Relevant training will be identified as the year and issues unfold. Should new or replacement members of the Committee be appointed then training appropriate to their needs will be provided.

Conferences and Events

The Committee will be advised of conferences and events that occur during 2011. This will include any relevant national or local events that members may benefit from attending.

Members Training and Development Programme

One of the roles of the Standards Committee is to monitor Borough Council Members attendances at training courses and see if they have attended the prescribed minimum number of 5 in a year. The Committee will receive two reports about this over the year.

Newsletter

Subject to there being sufficient material it is intended to publish the newsletter of the Standards Committee 'Raising the Standard' in 2011 and also to make it available on the Council's website.

External Publications

Relevant publications from Government, Standards for England and the First Tier Tribunal will be reviewed and attached as appendices to reports as they become available. In particular this will relate to any revised Guidance.

Useful Links

Further information relating to ethical governance and standards issues can be obtained from the following websites:

Darlington Borough Council www.darlington.gov.uk
(go to Standards Committee)

Standards for England www.standardsforengland.gov.uk

The First Tier Tribunal (Local Government Standards in England)
www.tribunals.gov.uk

The Audit Commission www.audit-commission.gov.uk

Department for Communities and Local Government www.dclg.gov.uk

Note - details of previously decided cases concerning complaints made against Councillors and the outcomes are available from the Standards for England website and the First Tier Tribunal (Local Government Standards in England) website.