
ANNUAL REPORT OF THE STANDARDS COMMITTEE
CHAIR: MIKE AIREY

Responsible Cabinet Member - Councillor Stephen Harker,
Efficiency and Resources Portfolio

Responsible Director - Paul Wildsmith, Director of Resources

SUMMARY REPORT

Purpose of Report

1. The purpose of this report is to present to Members of Council the Annual Report of the Standards Committee.

Summary

2. Each year the Standards Committee presents its Annual Report to Council.
3. The Annual Report reviews the work undertaken by the Committee in the year 2011. It also sets out the programme of work that the Committee intends to undertake in 2012 and provides details of particular issues and developments that are anticipated in 2012.
4. The Annual Report helps the Authority itself to monitor the work of the Committee and is also a useful method of communicating and highlighting the work done by the Standards Committee to Members and the wider public.

Recommendation

5. Council are requested to receive and note the Annual Report of the Standards Committee.

Reasons

6. The recommendations are supported by the following reasons:
 - (a) To enable the Authority to receive information about the work of the Standards Committee.
 - (b) To enable the Standards Committee to advise the Council about how to improve public trust in the organisation.

Catherine H. Whitehead
Assistant Director, Resources

Background Papers

No Background papers were used in the preparation of this report.

Appendix

1. Standards Committee Annual Report 2011

Catherine Whitehead : Extension 2306 TAB

S17 Crime and Disorder	There are no implications for Crime and Disorder
Health and Well Being	There are no implications for Health and Wellbeing
Carbon Impact	There are no specific issues in relation to carbon impact.
Diversity	There are no specific issues in relation to diversity
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	The report does not propose amendments to the Council's budget and policy framework. The report is required to be referred to Council.
Key Decision	This is not an executive decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	The ethical agenda and the promotion of trust and confidence in the organisation support all of the objectives of the Community Strategy in so far as they facilitate public involvement in decision making. This is specifically addressed in the national indicator NI 4.
Efficiency	No additional staff resources are required for the implementation of the Standards Committee work programme.

MAIN REPORT

Information and Analysis

7. The Standards Committee has presented the Annual Report to Council since 2008. In that year the Standards Committee took on responsibility for the local assessment of complaints which had transferred from the Standards Board for England to each relevant local authority Standards Committee. The Annual Report was considered to be an important way of getting greater visibility for the role of the Committee.
8. The Annual Report is intended to be a review of the work of the Committee in 2011. It also sets out the programme of work that the Committee intends to undertake in 2012 and provides details of particular issues and developments that are likely to arise in 2012. It helps the Authority to monitor the work of the Committee and is also a useful method of communicating and highlighting the work of the Standards Committee to Members and the public.
9. This year the Localism Act 2011 will introduce significant changes to local government standards and the annual report will help in informing the public about the work that is undertaken in Darlington by the Standards Committee.

Annual Report

10. The report reviews the work of the Standards Committee in 2011.
11. One of the major issues for the Committee in 2011 involved taking account of, considering and making plans for the impact of Localism Act on local government standards as it went through Parliament. Undoubtedly this legislation will bring in very significant changes to the way that standards both nationally and locally are dealt with.
12. The Committee received a detailed report on the Localism Bill at the start of the 2011 and a number of updates during the course of the year. A separate report is being presented to the May 2012 Council meeting dealing with the main changes and the proposals that are being recommended by the Standards Committee, because of this I will not set them out again here.
13. One of the other consequences of the Localism Act moving through Parliament was the noticeable way that role of the Standards Board for England diminished during 2011. This was unsurprising given that the legislation proposed to abolish the Standards Board in 2012. Unlike in previous years there was virtually nothing coming from the Standards Board by way of guidance, fact sheets or updates. In previous years the Standards Committee received a number of helpful and informative reports on ethical issues that had come from via the Standards Board. These ceased during 2011 and very much emphasised the new 'stand alone' role that the Standards Committee will take on in 2012.
14. One of the main aspects of the work of the Committee is to deal with complaints that are made against members. Members will be aware that all complaints are initially considered by the Assessment Sub-Committee who must decide whether the complaint should be investigated. If the complaint is referred for investigation an officer will be appointed by

the Monitoring Officer to investigate the complaint and if there is substance to the complaint it proceeds to a formal hearing by a Panel of the Standards Committee.

15. In 2011 the Assessment Sub Committee received 6 complaints that Members had broken the code of conduct. However, 4 of the complaints were about the conduct of the same Member at a particular Planning Committee meeting and were made separately by 4 different complainants. The other two complaints came from different complaints but concerned the conduct of the one Member arising from the same set of facts. In reality then, although there were 6 complaints received, the behaviour being complained about concerned the conduct of 2 Members on one occasion each. While we can never be complacent about standards in Darlington, I am pleased to say that this represents a very low level of complaint. The national average of complaints for unitary councils is about 13 or so each year.
16. In terms of outcome, the set of 4 complaints were to be investigated but this decision was reconsidered when very shortly afterwards, as a result of the Council elections in May 2011, the Member was not re elected as member of the authority. The other 2 complaints did not disclose a potential breach of the code of conduct and no further action was taken.
17. During 2011 a Sub Committee met on a number of occasions deal with an investigation that had been conducted in respect of a former Member of Bishopton Parish Council. On the 12 August 2011 the Sub Committee sat to formally receive the investigation report and hear evidence and submissions. The hearing lasted a full day and resulted in a decision that the Member had failed to comply with the code of conduct by not declaring a personal and prejudicial interest at a meeting of the Parish Council. The Sub-Committee decided to censure the Member for her conduct.
18. This decision was appealed by the Member to the First Tier Tribunal, General Regulatory Chamber (Local Government Standards in England). The Tribunal decided that Member had failed to follow the code of conduct as she had a personal interest and prejudicial. The Tribunal did however state that the finding of a prejudicial interest was a very finely balanced decision, which could have led to a different conclusion. Because of this and the fact that the subject member was no longer a member of the Parish Council the Tribunal did not uphold the sanction of censure.
19. I would like to thank my colleagues (Mike Hill, Independent Member and Chair, Councillor Wendy Newell and Parish Councillor Derek Dodwell) who dealt with this determination hearing. I know that it was involved matter and that they committed a significant amount of time dealing with this complaint last year.
20. Apart from dealing with complaints the other main area of the work carried out by the Standards Committee has involved helping facilitate better awareness of standards issues and encouraging high standards of ethical conduct. The Committee has done this in a number of ways. The website has been kept up to date and sets out a range of information about the work of the Committee and gives details of the complaints handling role of the Committee. A newsletter 'Raising the Standard' was published and circulated to members in September 2011.

Going Forward

21. The Annual Report sets out a work programme for 2012.
22. Clearly making sure that the new post Localism Act arrangements that are being put in place work satisfactorily will be of key importance. The Committee intends to monitor the complaints handling process to see if there are any common themes that emerge from any complaints received (given that the code of conduct will have been revised) that may need to be addressed by training and information, through the newsletter or otherwise.
23. The Committee will continue to promote better awareness of standards issues and encouraging high standards of ethical conduct. Engaging with the public will be particularly important this year to ensure that the public are aware of the changes that will come about in July. The Committee will look for opportunities to publicise its role and to ensure that matters relating to ethics and standards continue to receive appropriate attention.

Outcome of Consultation

24. The draft report was presented to the Standards Committee at its meeting on 18 April 2012. The report is attached at **Appendix 1** to this report.