



Standards Committee

Annual Report 2008/9

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Preface



I am pleased to be asked to write a preface to the Annual Report of the Standards Committee, as I believe that the maintenance of high standards in public life is important to us all. We all have a responsibility for building public trust in what we do. While the Standards Board for England may have the prominence of being the strategic regulator nationally, much of the real work is being dealt with, largely unnoticed, by locally constituted Standards Committees.

It is evident from reading this Annual Report, that the Standards Committee in Darlington take their role seriously. You can see this from the work they have undertaken over the last year. I know that some of the work is detailed and time consuming and we should be grateful for the dedication shown by Members of the Standards Committee in discharging their role.

This authority has never had a complaint upheld against any of its members and we can be proud of that record, however the Committee is not complacent and has set out a programme of work which we can all contribute to, for the year ahead.

On behalf of the elected Members of Darlington and also on behalf of the people that we serve, I would like to accept the recommendations of the Committee, and support their proposed plan of work for the year ahead and thank them for the work they have done over the last year.

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

Chair's Foreword



Just as we thought, the year 2008 proved to be a busy and significant year for the Standards Committee.

In May 2008 the role of handling the initial assessment of complaints was transferred from the Standards Board for England to local Standards Committees. This was a very profound change to our role and it is fair to say that more than anything else we were preoccupied with preparing for this change and then taking over this responsibility.

We also started to get involved in handling complaints against local councillors, making decisions about whether they involved potential breaches of the Code of Conduct and if so how they ought to be dealt with i.e. by investigation or other means – such as mediation, training or in some other way.

This role has inevitably given the Standards Committee more visibility. This is important if our role is to be understood locally. We have therefore been seeking to make sure that the public know what we do and how to contact us. This annual report is part of this engagement process.

Finally, 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 of the Committee since its inauguration in 2001. He is the Chair of the Committee. Mike is a Member of the Darlington Partnership Board. Employed by Barclays Bank as a Commercial Business Director for Yorkshire and the North East.

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 Stockton on Tees Borough Council's Standards Committee.

Mike Hill, a Member of the Committee since March 2007. Employed as the Chief Executive of Darlington Citizens Advice Bureau.

Borough Council Members:

Councillor B Jones, a member of the Conservative Group and 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 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 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 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 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 Valerie Whitby, a Member of Heighington Parish Council, a Member of the Standards Committee since November 2006.

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.

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

The Monitoring Officer

The Borough Solicitor and Monitoring Officer is Catherine Whitehead.

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 the Monitoring Officer does not need to be legally qualified, the Council in Darlington has nominated the Borough Solicitor to act as its Monitoring Officer.

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. In particular, the Monitoring Officer provides support to the Council's Standards Committee as the legal adviser.

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

The Monitoring Officer 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 and submits periodic returns on the complaints received and dealt with by the Standards Committee.

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 also 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.

From May 2008 the Committee became 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 Assessment Sub Committee of the Standards Committee will meet to consider whether the complaint relates to a local member, if it discloses a potential breach of the Code of Conduct and if it does, 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 Hearing and Consideration Sub Committee will be convened to hear evidence and representations and to determine if there has been a breach of the Code of Conduct and if so what penalty is appropriate. The penalty that the Sub Committee can impose includes

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

More serious cases can be referred to the Adjudication Panel for England which has powers to disqualify a member for up to 5 years.

The Work of the Standards Committee in 2008/09

Meetings of the Committee

The Standards Committee met in plenary session on five occasions during the year, on the 28 January 2008, 10 March 2008, 14 May 2008, 18 August 2008 and on the 20 October 2008. 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 2008. The Assessment Sub Committee met on the five occasions during the year, dealing with a total of 15 complaints. The Review Sub-Committee met twice to deal with two reviews. A further review was ruled out of time. The Consideration and Hearing Sub Committee met on three occasions to determine a number of complaints. The findings of the committee are publicly available on the Council's website.

Increasing the Committee Members

In order to prepare for the expansion of work through taking on the local assessment function the membership of the Standards Committee was expanded. Borough Council membership of the Committee was expanded from 2 to 5 and Parish Council membership was expanded from 2 to 3 members. The new Borough Council Members were appointed by Annual Council in May 2008 and the new Parish Council Members were appointed by the Darlington Association of Parish Councils and Parish Meetings.

Consultation Papers on the local assessment of complaints

The Standards Committee considered and responded to a consultation paper issued in January 2008 by the Department for Communities and Local Government that invited comments concerning the Orders and Regulations necessary to implement local assessment.

Implementation of arrangements for the new local assessment function

Regulations were laid before Parliament dealing with the detail of how the new local assessment function is to be discharged on 17 April 2008 and came into force on the 8 May 2008. On 2 May 2008 the Guidance on the Regulations was still unavailable from the Standards Board. The condensed timetable was challenging but the Committee worked hard to ensure that the procedural changes were made as soon as possible and that training on the new arrangement was undertaken. A Special Standards Committee was convened on 22nd May for this purpose. The Council received its first complaint on 12th May and held its first assessment on 2nd June 2008.

Sub Committee Formation

In order to deal with the local assessment and review functions the Assessment Sub Committee, chaired by Mr Mike Airey and the Review Sub Committee, chaired by Mr Francis Hayes, were established in May 2008.

Procedural Changes

To take account of the local assessment and review function a consolidated and revised procedure entitled the 'Procedure for the Assessment, Investigation and Determination of Complaints against Members' was considered by the Committee and subsequently approved by Council.

Training Event

On Wednesday, 14 May 2008 a training event was held for all members of the Standards Committee to prepare them for taking on local assessment function. Members participated in mock assessment and review panels to consider complaints modeled on real cases dealt with by the Standards Board.

Publicity

Leaflets explaining how to complain about the conduct of Councillors were produced and circulated to all public buildings in the Darlington area, including council buildings, libraries, schools, village halls and other community buildings. An advert was also placed in the Town Crier. The Website was reviewed and refreshed to include more information and details of how to complain against Councillors including a downloadable complaints form. The website also provides information about the members and work of the committee.

Member conduct issues

Until 8 May 2008 complaints against members were made to the Standards Board for England and after that date to the local Standards Committee. Overall there were seven complaints against members of this authority and eight complaints against parish councillors. The Assessment Sub Committee decided that there ought to be investigations in respect of some of the complaints made against 2 parish councillors. In respect of a complaint made against a Borough Councillor the Assessment Sub Committee made a finding that, while there may have been a potential breach of the code, it could be dealt with by the member receiving training rather than an investigation. In respect to the other complaints the Assessment Sub Committee did not find potential breaches of the code disclosed in the complaints and the complaints were not referred for investigation.

Ethical Health Indicators

The Standards Committee considered a number of reports 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, Ombudsman complaints and outcomes.

Confidential Reporting Policy

The Standards Committee received and considered a report on the work that had been done to publicise the 'whistle blowing' policy

Consultation Paper

The Committee considered and responded to a consultation paper issued by the Department for Communities and Local Government in October 2008 concerning proposals to revise the model Code of Conduct for local authority Members and proposals for the introduction of a model Code of Conduct for local authority employees.

Publications from the Standards Board

Relevant publications of the Standards Board, such as the Standards Board Annual Review and Report, the Bulletin, the Town and Parish Standard, have been reported to the Standards Committee and discussed. The Standards Board for England also produced a range of guidance including revised guidance on initial assessment which was issued in on 23rd June 2008 and revised guidance on consideration and hearing of complaints.

Members Training and Development Programme

The Standards Committee is responsible for monitoring the quality and take up of the Members' training programme. The committee received a number of reports from the Head of Democratic and Customer Services in relation to the Members training programme. The Standards Committee also considers whether training should be mandatory and takes action where necessary through group leaders, in relation to any members that fail to attend mandatory training or the prescribed minimum number of five training sessions in a calendar year.

Ethical Governance Training

The Monitoring Officers for the Tees Valley also worked together to hold an event for Members of the Standards Committee with Speakers from the Standards Board for England and the Improvement and Development Agency and guest Monitoring Officer Kirsty Cole, former Chairman of the Association of Council Secretaries and Solicitors (ACSES). The event which took place on the 17 September 2008 explored the implementation of local assessment and involved mock assessments by mixed panels of members. The Chair of the Standards Committee, Councillor B. Jones, Councillor Lewis and the Monitoring Officer attended.

Seventh Annual Assembly of Standards Committees

In October 2008 the Chair of the Standards Committee, Councillor Fred Lawton, and Parish Councillor Maggie Beadle attended the Seventh Annual Assembly of Standards Committees, which was held in the National Conference Centre in Birmingham. The event which was entitled 'Delivering the Goods, Local Standards in Action' considered a number of themes, including the Local Assessment, investigations, mediation and communication.

Work Programme for 2009

The Tees Valley authorities have a combined programme of activity for Standards Committees and Monitoring Officers which is in addition to the work of the committee set out below.

Ethical Standards developments

In recent times this has been a very significant aspect of the work of the Committee. Last year the Committee oversaw the roll out of local assessment. The Committee will also need to keep apprised of other developments relating to ethical standards and of relevant case decisions and guidance.

The proposal to amend the Code of Conduct and to introduce a new mandatory code of conduct for all local authority employees will be a significant piece of work for the committee if implemented during the course of the year. Further consultation is almost certain to take place on the employee code before implementation given the extensive responses to the consultation issued to the draft code of conduct produced in 2004.

The changes to the code of conduct for members are likely to improve clarity about when the code of conduct applies to a member's private activity and the way in which complaints relating to possible criminal conduct should be investigated alongside a criminal investigation.

The employee code may introduce a mandatory register of interests for officers, if so there will be work in implementing and updating the code across the range of employees. It is not clear yet whether this will be introduced nor, if it is, how wideranging it will be.

Review of Local Assessment

The Committee has recently undertaken a review of the Council's procedure for Handling of Complaints against Members. This new procedure will need to be implemented and new training on the procedure will have to take place for Members of the Committee. The procedure will need to continue to be kept under review during the course of developments in the year ahead.

Targeting Complaints

The Standards Committee has considered the range of complaints made against councillors of the Authority during the previous year. There were seven complaints in all, 6 of these related to the alleged behaviour of members and one related to an alleged interest. Although none of these complaints have been referred for investigation there is clearly a public perception that the behaviour of members, at times, falls below the standards expected of them by members of the public. The Committee urges members of the Council to think carefully about how their behaviour will be perceived and how it reflects on the perception of the organisation as a whole. The Committee will ask that the training of members in relation to the Code of Conduct during the coming year focuses on the behavioural elements of the Code of Conduct and on the perception of others.

Survey of Effectiveness

The Standards Committee has an ongoing responsibility to promote trust and confidence in the authority within the wider community. The Committee has carried out a range of activity with this intention. There is however no objective measure of the effectiveness of the work of the

Committee. The Committee therefore intends to carry out a survey of current levels of trust akin to that carried out by the Committee for Standards in Public Life locally. This will help to provide a starting point against which the effectiveness of the work of the committee can be measured. This survey will involve a survey of key partners, businesses and individuals within the area.

Communications and Publicity

The way in which the Standards Committee communicates its existence and function will be reviewed to ensure that members of the public are aware of their right to raise issues.

Website development

The Standards Committee presence on the Council's website will be reviewed and updated to ensure that all relevant information about the work of the Standards Committee is available from the Council's website.

Ethical Health Indicators

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

Review of Members Interests

Members will receive reports about the annual update of Members' registers of interests. All members including parish councils should be reminded of the need to update the register of interests regularly and at least annually. The committee has responsibility for ensuring that members conduct those reviews.

Confidential Reporting Policy

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

Consideration and Hearing Training

Training will be of continuing importance this year given the increased role played by the Standards Committee. 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.

Training for Parish Council Members

The Tees Valley authorities have combined to provide a training event for parish councillors in relation to the Code of Conduct. This event will provide training on the code and will include presentations from the Standards Board for England. This training has been arranged for 8th May 2009.

Conferences and Events

Members will be advised of conferences and events that occur during 2009. This will include the Annual Assembly of Standards Committees and any other 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 Members' attendances at training courses and see if they have attended the prescribed minimum number of 5 in a calendar 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 2009 and also to make it available on the Council's website.

Publications from the Standards Board

Relevant publications of the Standards Board will be reviewed and attached as appendices to reports as they become available. This is likely to include copies of the Bulletin, the Town and Parish Standard, occasional papers, fact sheets and the Standards Board Annual Review and Report

Corporate Governance

The Standards Committee will be advised of relevant developments of the Council's corporate governance and the work that is being undertaken in respect of the ethical agenda relating to the Comprehensive Performance Assessment.

The Standards Committee recommends this programme of work to the authority for the year ahead.

Useful Links

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

The Standards Board for England www.standardsboard.co.uk

The Adjudication Panel for England www.adjudicationpanel.co.uk

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

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

Darlington Borough Council www.darlington.gov.uk