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**ANNUAL REPORT OF THE STANDARDS COMMITTEE  
CHAIR: MIKE AIREY**

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**Responsible Cabinet Member - Councillor Chris McEwan, Efficiency and  
Resources Portfolio**

**Responsible Director - Paul Wildsmith, Director of Corporate Services**

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**SUMMARY REPORT**

**Purpose of Report**

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

**Summary**

2. Each year the Standards Committee presents to Council its Annual Report. The first report was produced in 2008 in anticipation of the introduction of Local Assessment.
3. The Annual Report is intended to be a summary of the work of the Committee in 2009. It also highlights areas for improvement and sets out the programme of work that the Committee intends to undertake in 2010.
4. The Annual Report enables the Authority itself to monitor the work of the Committee and is also a useful method of communicating the work of 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**  
**Borough Solicitor**

### **Background Papers**

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

### **Appendix**

1 Standards Committee Annual Report 2009

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
Sustainability	There are no specific issues in relation to sustainability.
Diversity	There are no specific issues in relation to diversity
Wards Affected	All wards are affected equally
Groups Affected	The only groups specifically affected are members of the council
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	There are no additional staff resources required for the implementation of the Standards Committee work programme.

## MAIN REPORT

### Information and Analysis

7. The Standards Committee presented its first Annual Report to Council in 2008 in anticipation of taking on its new role in local assessment of complaints from the Standards Board for England (now known as Standards for England).
8. While it is not a requirement for Standards Committees to write an Annual Report, it is recognised as good practice. The Annual Report is intended to be a summary of the work of the Committee, to highlight areas for improvement and will help to raise its profile with Members. It enables the Authority itself to monitor the work of the Committee and is also a useful method of communicating the work of the Standards Committee to Members and the public.

### Annual Report

9. The report reviews the work of the Standards Committee in 2009. While the Committee was involved in a range of work, there were two main areas that had particular significance in what the Committee did during the year. The first was dealing with complaints (Members will recall that from May 2008 all complaints against Members have been made directly to the Authority). The second related to the role of helping facilitate better awareness of standards issues and encouraging high standards of ethical conduct.
10. Members will recall that complaints received locally are referred to the Assessments Sub-Committee to make an initial assessment whether the complaint should be investigated. The complainant has a right of review to a different Sub-Committee if they are unhappy with the outcome at the Assessment Sub-Committee. If the complaint is referred it will be investigated by the Monitoring Officer and heard by the Standards Committee unless the complaint warrants national investigation.
11. In all, the Assessment Sub Committee received seven complaints that Members had broken the Code in 2009. Of those 1 matter was referred for investigation (this resulted in a finding of no breach by a Standards Sub Committee). Of the other six complaints, 1 was referred to mediation, 1 was not found to have involved any potential breach of the Code and the others whilst they potentially could have involved a breach of the Code were not judged to warrant investigation.

12. In January 2009 the Standards Committee dealt with the first full local hearings about Member complaints. These came about following investigations that had been undertaken during 2008. The Consideration and Hearing Sub-Committee met to receive the investigating officer's report and hear evidence concerning allegations that two Members of a Parish Council had broken the Code by participating in a meetings in which they had a prejudicial interest. This resulted in findings that both Members had broken the Code of Conduct with a sanction of suspension for a month until they received Code of Conduct training from the Monitoring Officer.
13. Building on the experience gained in undertaking the local assessment of complaints, the Committee undertook review of the way in which the local assessment was working in order to seek to identify any improvements that could be made. One of the outcomes was a review of the Procedure governing member complaints and hearings. A revised draft of the Procedure was subsequently approved by Council following recommendation from the Standards Committee.
14. Apart from dealing with Local Assessment 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.
15. The Committee has done this in a number of ways. The Committee made suggestions about how the Council might improve and better promote on its standing relating to the ethical dimension of the Comprehensive Area Assessment. The publicity work undertaken to advise people of the complaints handling role of the Standards Committee was reviewed. A newsletter 'Raising the Standard' was published and circulated to Members in the summer of 2009.
16. In order to help inform the Committee it was decided to seek to gather data against which to benchmark future performance. In 2009 a number of questions on matters relating to residents trust and confidence in members and officers, and also of the level of awareness about the Standards Committee, were included in the Annual Community Survey.

### **Going Forward**

17. The Annual Report sets out a work programme for 2010. This work builds on the work of the Committee has been undertaking in 2009. In particular the Committee will seek to identify ways of making the public better informed about standards issues in ways that are relevant to the public, and to build on the level of public trust in Members.

18. This will include looking at the production of information sheets for use by specific Council decision making bodies to inform the public of the ethical dimension of Member decision making and the role of Standards Committee. For instance to produce an information sheet relevant to Planning Applications Committee that would form part of the Committee papers. The Standards Committee are also looking to get involved in work already being undertaken by the Council, such the Democratic Engagement Strategy and to seek to include information about standards when appropriate and relevant.
19. The Committee will have an ongoing responsibility to handle any complaints referred to it for assessment, review or consideration.

### **Outcome of Consultation**

20. The draft report was presented to the Standards Committee at its meeting on 18 January 2010 and a revised draft was submitted to the Committee on 1 March 2010 for approval. The report is attached at **Appendix 1** to this report.



# Standards Committee

## Annual Report 2009

Published March 2010

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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 maintenance and promotion of high standards of conduct in public life is important both nationally and locally.

In Darlington I believe that we are fortunate to have an effective Committee that is working to ensure that good practice in this area continues.

It can be seen clearly from reading this Annual Report that the Standards Committee has been busy 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 Committee in discharging their role.

This Authority has a good record so far as conduct is concerned, with no complaint against any Borough Councillor having been upheld, and we can be proud of that record. However the work goes on and there is no room for complacency.

The Committee has set out a work programme for the year ahead. 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 the coming year.

On behalf of the elected Members of Darlington and also on behalf of the people that we serve, I would like to thank them for the work they have done over the last year.

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

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## Chair's Foreword



The year 2009 proved to be another busy year for the Standards Committee.

The initial assessment of complaints has now been undertaken locally since it transferred from the Standards Board for England in May 2008. This year we had our first full year of dealing with complaints made against members. The start of the year began with our first determination hearing to deal with allegations made against two Parish Councillors. Since then we have undertaken a number of initial assessment hearings.

The preparations that we made in 2008 in terms of training and making sure that our procedures were in place have proved successful. We have also been fortunate to have a stable Committee membership and have been able to benefit from the increasing experience that the Committee has developed.

As a Committee I think that we have worked very effectively in discharging the initial assessment role. I continue to be impressed by the detailed consideration of the issues that my colleagues have brought to this process.

We have continued to work on the other side of our remit in relation to engagement and education and to make sure that the public know what we do and how to contact us. The Annual Community Survey conducted this year has shown that there is still more work to be done in building public trust in Councillors; despite the excellent track record of Darlington Councillors, public scepticism continues. Looking ahead, challenging this perception will be one of our key targets for the year. This annual report is part of that awareness raising 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. He was formerly 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 Brian 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 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 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 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 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 penalty that the Sub Committee can impose includes 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 from the Councillors access to local authority premises or resources for up to 6 months and suspending, or partially or conditionally suspending the Councillor from being a member of the Council for a period not exceeding six months.

## The work of the Standards Committee in 2009

### *Meetings of the Committee*

The Standards Committee met in plenary session on five occasions during the year, on 2 February 2009, 16 March 2009, 1 June 2009, 7 September 2009 and 16 November 2009. Further information about these meetings, including agendas, reports considered and minutes are available on the website [www.darlington.gov.uk](http://www.darlington.gov.uk)

### *Sub Committee Meetings*

There were also a number of sub Committee meetings during 2009. The Assessment Sub Committee met on 9 and 28 January 2009, 30 April 2009, 1 June 2009, 5 August 2009, 7 September 2009 and 21 October 2009. The Review Sub Committee met on 28 January 2009. The Consideration and Hearing Sub Committee met on 8 and 9 January 2009.

### *Member Conduct Issues*

A significant part of our work this year has been spent dealing with complaints that have been made against Councillors. The Assessment Sub Committee met seven times (and additionally one meeting of the Review Sub Committee) over the year to deal with seven complaints that Borough Councillors had broken the Code of Conduct.

In January 2009 we had our first ever full hearings to consider complaints against Councillors. The Consideration and Hearing Sub Committee met on two separate days to receive the investigating officer's report and to hear evidence relating to two members of a Parish Council. The outcome was a finding that both Parish Councillors had broken the Code of Conduct by participating in a meeting in which they had a prejudicial interest. In consequence both Parish Councillors were suspended from office for a month, until they had received training from the Monitoring officer on the Code of Conduct

Details of the way that complaints were processed is set out in the table below:

<b>Complaints Processing for 2009</b>	
<b>Initial Assessment Stage</b>	
Total number of complaints dealt with	7
Referred for investigation	1 (ongoing in 2010)
Referred for mediation	1
Potential breach – no further action	4
No potential breach – no further action	1

<b>Determination Hearings</b>	
Hearings	2 (from complaints made in 2008)
Outcomes	2 Parish Councillors were found in breach of the Code and both received one months suspension, until they had received training from the Monitoring Officer

### ***Updating Members on Complaints handling***

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

Members also received a report on the directions that had been given to the Monitoring Officer to take steps, such as mediation or arranging member training and an update on the action that had been taken.

### ***Review of the Local Assessment Function***

The Committee reviewed the local assessment function early in 2009 in order to take stock and to see what could be learnt about how the system was working and to consider if any improvements could be made. This was informed by the experiences that had been gained from dealing with local assessment since May 2008 and also following the two full hearings that the Consideration and Hearing Sub Committee had held about complaints of misconduct. One of the outcomes was that there was a review of the Procedure governing Councillor complaints and hearings and a revised Procedure was drafted and then subsequently approved by Council following recommendation by the Standards Committee.

### ***Considering Guidance***

The Committee received a report on Guidance that was issued by the President of the Adjudication Panel for England clarifying the circumstances in which the Adjudication Panel would accept a complaint referred from a Standards Committee.

The Committee received a report on Guidance that had been issued by Standards for England dealing with 'other action' (action other than investigation of the complaint) that is available at the time of the initial assessment of the complaint.

### ***Annual Return to the Standards Board for England***

The Committee also received a report giving information about the annual return that is submitted to the Standards Board for England by the Monitoring Officer. Arising from this report and as a consequence of some of the questions asked in the annual return it was decided to hold periodic meetings with the Chair of the Standards Committee, the Leader, Chief Executive and Monitoring Officer on issues relating to Standards.

### ***Comprehensive Area Assessment***

The Committee received a report about the Comprehensive Area Assessment 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 made suggestions about 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 publicity work included, distributing leaflets explaining how to complain about the conduct of Councillors and advertising in the Town Crier and the Council's A-Z of services. The Website was reviewed and refreshed to include more information and details of how to complain including a downloadable complaints form and facility for e complaints.

### ***Ethical Health Indicators***

The 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. In addition, this year, information about corporate complaints (non member complaints) was added to the indicators.

### ***Protocol on Member Officer Relations***

The Committee considered proposed amendments to the Protocol on Member Officer Relations, to deal with circumstances when either an officer or a Council member seeks to make a complaint about the other.



### ***Community Survey***

The Committee decided to include in the annual community survey a number of questions dealing with matters relating to trust and confidence in Councillors and officers and also the level of awareness that local residents have about the Standards Committee. The results were only available towards the end of 2009 and will be used to help inform the future work of the Committee.

### ***Politically Restricted Posts***

The Local Government and Public Involvement in Health Act 2007 gave the responsibility to Standards Committees to deal with appeals against a post being classified as politically restricted. The Committee received and commented on draft guidance dealing with appeals of this nature.

### ***Annual Report***

The Standards Committee received a report on the draft 2008 annual report of the Standards Committee and made a number of suggestions relating to content and layout.

### ***Raising the Standard***

The Committee produced a newsletter 'Raising the Standard' which looked at ethical and standards issues. This was circulated to Members in the summer of 2009.

### ***Publications from the Standards for England***

Relevant publications written by Standards for England, such as the Annual Case Review and Report, the Bulletin, the Town and Parish Standard, 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 Members' attendances at training courses and see if they have attended the prescribed minimum number of five in a calendar year. The Committee received two reports about this over the year.

### ***Compulsory Training***

The Committee considered whether members of the Council who have Adult safeguarding responsibilities ought to be required to attend mandatory training. The Committee considered a report on this subject and recommended to Council that Members with such responsibilities ought to have mandatory training on a bi annual basis.

### *Eighth Annual Assembly of Standards Committees*

Unlike in previous years no members of the Committee attended the Annual Assembly of Standards Committees. Instead, the Committee received a report (the writer having reviewed the speaker notes and handouts - made available on the Standards for England website after the conference was over) of the key messages that appeared to have arisen from the conference sessions.

## **Work Programme for 2010**

### ***Ethical Standards developments***

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

### ***Review of Local Assessment***

The Committee will need to look at how the new procedures are working in practice and to determine whether and if so what changes are needed.

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

### ***Making Standards Relevant to the Public***

The Committee will consider how the public can be better informed of standards issues in a real life context. This will include a review of whether formal meetings where decisions are made (for instance Council, Cabinet, Licensing Committee, Planning Committee) need to make additional information available to the public about the standards expected of Councillors involved in making decisions and the role of the Standards Committee.

### ***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 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.

## ***Conferences and Events***

The Committee will be advised of conferences and events that occur during 2010. 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 Councillors' 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 2010 and also to make it available on the Council's website.

## ***Legislation and Case Developments***

The Committee will continue to keep under review any changes in legislation and any case developments relevant to standards and ethical governance. In particular it is anticipated that there may be a revised Code of Conduct in 2010.

## ***External Publications***

Relevant publications from Standards for England or the Adjudication Panel for England will be reviewed and attached as appendices to reports as they become available. In particular this will relate to any revised Guidance.

## ***Community Survey***

Data obtained from the 2009 annual Community Survey on matters relating to trust and confidence in elected members and officers, and about the level of awareness local residents have about the Standards Committee will be reviewed. The inclusion of similar questions in the 2010 survey will also be considered.

## ***Comprehensive Area Assessment***

The Standards Committee will be involved in considering the ethical dimension of the Comprehensive Area Assessment and looking at the 'Key Lines of Enquiry' relating to governance and the ethical framework that are used by the Audit Commission in conducting the assessment.

## Useful Links

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

Standards for England [www.standardsforengland.gov.uk](http://www.standardsforengland.gov.uk)

The Adjudication Panel for England [www.adjudicationpanel.tribunals.gov.uk](http://www.adjudicationpanel.tribunals.gov.uk)

The Audit Commission [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)

Department for Communities and Local Government [www.dclg.gov.uk](http://www.dclg.gov.uk)

Darlington Borough Council [www.darlington.gov.uk](http://www.darlington.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 Adjudication Panel website.