



Standards Committee

Annual Report 2007

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Chair's Foreword

This is the first time that an annual report of the work of the Standards Committee has been produced. It is important that the work of the Standards Committee should be visible to the authority and wider public.

This is particularly the case at a time of significant change, given that Standards Committees will shortly be taking on greater responsibility to deal with complaints against members locally.

In addition, the Local Government and Public Involvement in Health Act 2007, when it comes into force later this year, will require information to be supplied periodically by Standards Committees to the Standards Board for England.

It is hoped that an annual report will become a helpful means of communicating the work undertaken by the Standards Committee both to the Standards Board, the public and to Members.

During the year the Standards Committee continued to work to promote high ethical standards within the Council and to review and monitor developments that have taken place in relation to the Code of Conduct for Members.

As can be seen from the details set out below, 2007 has been a busy year for the Committee.

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, two Borough Council Members and two 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 Bureau Manager 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 Eleanor Lister, a Member of the Labour Group and has been a Darlington Borough Councillor since May 1987. Previously Mayor of Darlington 2006 –2007. A Member of the Standards Committee since May 2007.

Parish Council Members:

Councillor Steve York, MBE, a Member of the Standards Committee since December 2005. A Member of Middleton St George Parish Council. A Member of the Conservative group and has been a Darlington Borough Councillor since May 2007.

Councillor Valerie Whitby, a Member of Heighington Parish Council, a Member of the Standards Committee since November 2006.

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 receives and acts on reports made by Ethical Standards Officers appointed by the Standards Board for England and decisions of Case Tribunals in respect of Members' conduct, and conducts investigations into allegations against Members which are referred to her by an Ethical Standards Officer. The report on any such investigation is then considered by the Council's Standards Committee. If an allegation is referred to the Standards Committee for local investigation and determination by the Standards Board, 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.

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.

The Committee also has a role in dealing with complaints that are referred to it for investigation and local determination by the Standards Board for England. In carrying out this function members of the Standards Committee act as an adjudication panel to determine complaints made against individual Councillors.

This role is likely to become more significant, when the Local Government and Public Involvement in Health Act 2007 is implemented later in 2008, and gives greater responsibility to Standards Committees to deal with complaints against Members.

The work of the Standards Committee in 2007

Meetings of the Committee

The Standards Committee met formally on four occasions during the year, on the 26 February 2007, 25 June 2007, 24 September 2007 and on the 19 November 2007.

New Committee Members

After advertising and interviewing a number of candidates, on the 19 February 2007 the Standards Committee Independent Members Appointments Panel recommended the appointment of two new Independent Members, Mr. Mike Hill and Mr. Francis Hayes. The recommendation was confirmed by Council on 1 March 2007.

Appointment of Vice Chair

At the Standards Committee meeting of 24 September 2007, Mr Francis Hayes was appointed as Vice Chair of the Standards Committee

New Code of Conduct

The Standards Committee considered the draft Code of Conduct after it was published for consultation by the Department for Communities and Local Government in January 2007 and recommended to Council that it should adopt the final version that was published by Government on the 3 May 2007. Following local government elections on the 3 May 2007, Council decided on the 18 May 2007 to adopt the new Code of Conduct.

Implementation of the new Code of Conduct

A number of training sessions about the new Code of Conduct were held by the Monitoring Officer for all Borough Councillors. Training on the Code of Conduct was made a mandatory requirement of the Members Training and Development Programme. A number of training sessions were also undertaken for Parish Councillors by the Deputy Monitoring Officer. Revised Register of Interest forms were sent to Borough Councillors and circulated to Parish Council Clerks. Parish Councils were advised of the introduction of the Code of Conduct and the steps that they would need to take in order to implement it. The newsletter of the Standards Committee 'Raising the Standard' has also addressed issues relating to changes in the Code of Conduct. The Standards Committee was kept apprised of the work undertaken by officers to publicise and implement the Code of Conduct.

Member conduct issues

In 2007 the Monitoring Officer was notified of 4 allegations that were reported to the Standards Board made against Members of Darlington Borough Council. The Standards

Board determined on initial assessment that there had been no breach of the Code of Conduct in respect of allegation made against one Member. In relation to the other three Members, the Standards Board determined initially that there had been no breach of the Code of Conduct. However, after reviewing its decisions the Standards Board has recently decided that these three allegations should be investigated.

The Monitoring Officer is not notified of allegations made against Parish Councillors unless they are referred to the Monitoring Officer for local investigation. No such referrals were made during 2007.

Local Government and Public Involvement in Health Act 2007

The Local Government and Public Involvement in Health Act 2007 will have a significant impact on the role of the Standards Committee when the relevant provisions come into force later in 2008. The Act will devolve the primary role for overseeing of the Code of Conduct to local Standards Committees. It will give the Standards Committee responsibility for receiving allegations and dealing with initial assessments and reviews rather than the Standards Board for England. Local Standard Committees will undertake the majority of hearings and this will enable the Standards Board to have more time to carry out the role of strategic regulator.

During the year the Standards Committee has received reports about developments concerning the passage of the Bill through Parliament and gave consideration to the enacted version that received Royal Assent on the 30 October 2007.

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.

Newsletter

‘Raising the Standard’, the newsletter of the Standards Committee, was published three times in 2007, in January, April and December and copies were distributed to all Councillors.

Employee Code of Conduct

Members of the Standards Committee received a number of reports concerning revisions to the employee code of conduct and commented and gave their views about the proposed revisions.

Publications from the Standards Board

Relevant publications of the Standards Board, such as the Standards Board Annual Review and Report, the paper on 'Predisposition, Predetermination or Bias and the Code', the Bulletin, the Town and Parish Standard, Fact sheets dealing with the new Code of Conduct, have been reported to the Standards Committee and discussed. The Standards Board produced a new DVD in a drama documentary format considering issues arising from the new Code of Conduct. This was viewed by the Members of the Standards Committee

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 received two reports about this over the year.

Standards Board Road shows

In the summer of 2007 the Standards Board held a number of Road shows around the country to highlight the revised Code of Conduct. The Chair of the Standards Committee, Parish Councillor V. Whitby and Paul Dalton, Democratic Support Officer, attended the Road show held in Newcastle on the 12 June 2007.

Training Event

A training event for standards committee members entitled 'The New Code and a New Mock Hearing' took place Ferryhill Leisure Centre on Wednesday, 27th June 2007. Parish Councillor V. Whitby and Paul Dalton, Democratic Support Officer, attended this event

Sixth Annual Assembly of Standards Committees

In October 2007 the Chair of the Standards Committee, Parish Councillor V. Whitby and Paul Dalton, Democratic Support Officer, attended the Sixth Annual Assembly of Standards Committees, which was held in the National Conference Centre in Birmingham. The event which was entitled 'Down to Detail' considered a number of themes, including the implementation of the Local Filter and the resource implications, the size and composition of Standards Committees and the need for practical mediation and training skills.

Corporate Governance

The Standards Committee has considered a report giving details of new guidance issued by CIPFA (The Institute of Public Finance) on corporate governance and the framework

for self-assessment and considered an early draft of the Council's revised Code of Corporate Governance.

Issues for 2008

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 the revised Code of Conduct and tracked the passage of the Local Government and Public Involvement in Health Bill. Now that this Bill has been enacted and in readiness for the implementation of local assessment and review function, a significant amount of further work will be needed. The Committee will also need to keep apprised of other developments relating to ethical standards and of relevant case decisions and guidance.

Local Government and Public Involvement in Health Act 2007

Further developments that arise from the implementation of the Local Government and Public Involvement in Health Act 2007 will need to be taken into account and the Committee will need to be advised of any developments in order to form a view of the most appropriate way of responding.

Local Determination Procedure

The Procedure for the determination of allegations against members will need to be re-drafted so that it will accommodate changes necessitated by the local assessment and review function.

Responsibility for Functions

The Responsibility for functions of the Standards Committee as set out in the Constitution of the Council will need to be revised to reflect the changed role of the Standards Committee

Information and Publicity Policy

An information and publicity strategy will need to be developed to communicate the new function and role of local assessment and 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 need to be refreshed and revised to take account of the local assessment function and 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 of work undertaken to encourage Members to review and update their register of interests and the outcomes of the review process.

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.

Training

Training will be of particular importance this year, to ensure that the Members of the Committee are ready to undertake the new local assessment and review role. It is proposed to hold training about the local assessment and review function for Members of the Standards Committee in April 2008.

Conferences and Events

Members will be advised of conferences and events that occur during 2008. 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', three times in 2008. It is also intended that copies of this will be 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.

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