

ETHICAL GOVERNANCE AND MEMBER STANDARDS – UPDATE REPORT

SUMMARY REPORT

Purpose of the Report

1. To update members on issues relevant to member standards and ethical governance.

Summary

2. The report gives update information about issues relevant to member standards since matters were reported to the Committee in March 2018.
3. Also set out in the report are a number of datasets of ethical indicators to assist in monitoring the ethical health of the Council. By reviewing these indicators it is hoped to be able to identify any unusual or significant trends or changes in the volume of data recorded for the relevant period that might provide an alert to any deterioration in the ethical health of the authority.
4. Commentary is included for some data sets to give analysis and explanation for some of the more notable variations. There are no particular issues of concern that have been identified from reviewing the data.

Recommendation

5. Members are asked to note the information presented and to comment as appropriate.

Reason

6. By having information of this nature:
 - (a) Members will be assisted to perform their role.
 - (b) Members will be able to get a better picture of the ethical health of the authority.

Paul Wildsmith
Managing Director

Background Papers

None – save as mentioned in the text
Luke Swinhoe: Extension 5490

S17 Crime and Disorder	There are no specific issues which relate to crime and disorder.
Health and Well Being	There is no specific health and wellbeing impact.
Carbon Impact	There is no specific carbon impact.
Diversity	There is no specific diversity impact.
Wards Affected	All wards are affected equally.
Groups Affected	All groups are affected equally.
Budget and Policy Framework	This report does not affect the budget or policy framework.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	There is no specific relevance to the strategy beyond a reflection on the Council's ethical governance arrangements.
Efficiency	There is no specific efficiency impact.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Update on matters relevant to Ethical Governance and Member Standards

Members Code of Conduct

7. Members will recall that at the meeting of this Committee on 28 March 2018 it was agreed to recommend to Council that the Members Code of Conduct should be amended to include a requirement for Members to register gifts and hospitality received where the value was £25 or more (within 28 days of receipt) and which are attributable to their position as a Member. The change to the Code of Conduct was agreed at the meeting of Council on 10 May 2018 and the revised Code of Conduct is now in force (and the Constitution has been updated to reflect the change).
8. A number of training sessions were held in the summer for Members of Council on the Members Code of Conduct (21 May, 13 June and 20 July). A further session is being held on 3 October to ensure that all Members have been able to attend.
9. A training session on the Code of Conduct was also run for Parish Council Members and Clerks on the 6 June and the 13 June 2018.
10. Members have been reminded of the need to review and to keep their Members Interest form up to date. Copies of the current Members Interests form have been circulated with the Guidance Note.

Standards in Public Life (CSPL)

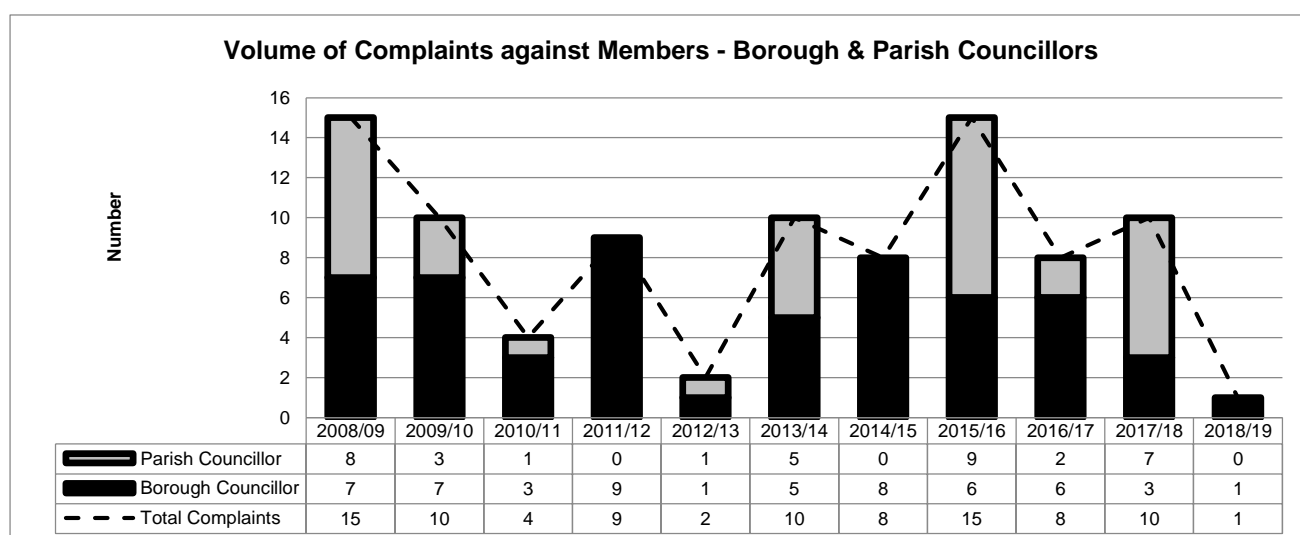
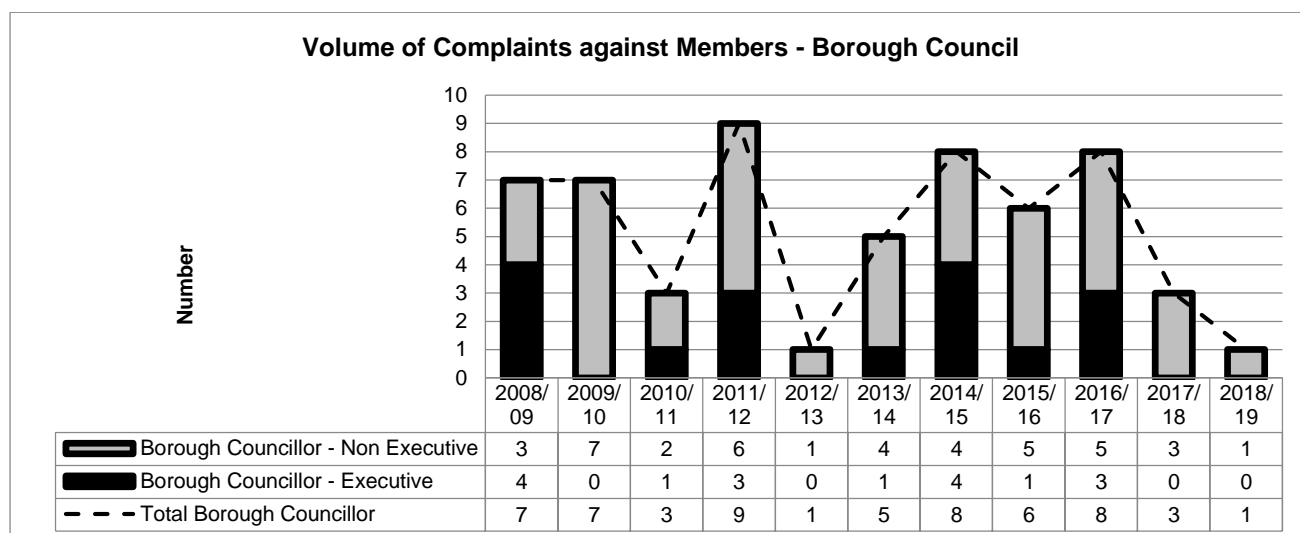
11. The CSPL Review of Local Government Ethical Standards is still underway with the report expected to be published by the end of 2018. Members will be updated when further information becomes available.

12. Members may be interested to note that the submission to the current review by the National Association of Local Councils suggested that 90% of parish and town councils support a single, mandatory code of conduct, and that nearly 70% wanted additional sanctions. This was based on the view that the sanctions of apology or training was inadequate to deal with breaches of the code of conduct or deter future breaches. NALC is suggesting stronger sanctions should include the power of suspension and disqualification. They are also suggesting that the government invest £2m in a national training programme for all new councillors to undertake training on ethical standards and the code of conduct as part of their induction.
13. While not directly related to Local Government Members may be interested to note that the CSPL published in July 2018 a report on MP's outside interests. They were particularly concerned to look at outside paid employment/interests, to ensure that there was transparency and safeguards about the extent of outside employment and interests and the possible impact on decision making. Full details of the report are available from <https://www.gov.uk/government/publications/mps-outside-interests>

Ethical Indicators

14. Set out in **Appendix 1** are a range of data sets that it is hoped will assist in monitoring the ethical health of the Council. By reviewing the indicators it will be possible to identify any unusual or significant changes in the volume of data recorded for the relevant period that might provide an alert to any deterioration in the ethical health of the authority.
15. Member's observations about this information are invited.

Member Complaints



Comments

The average number of complaints per year from May 2008 (when the local assessment of complaints was introduced) to March 2017 is about 9 per year.

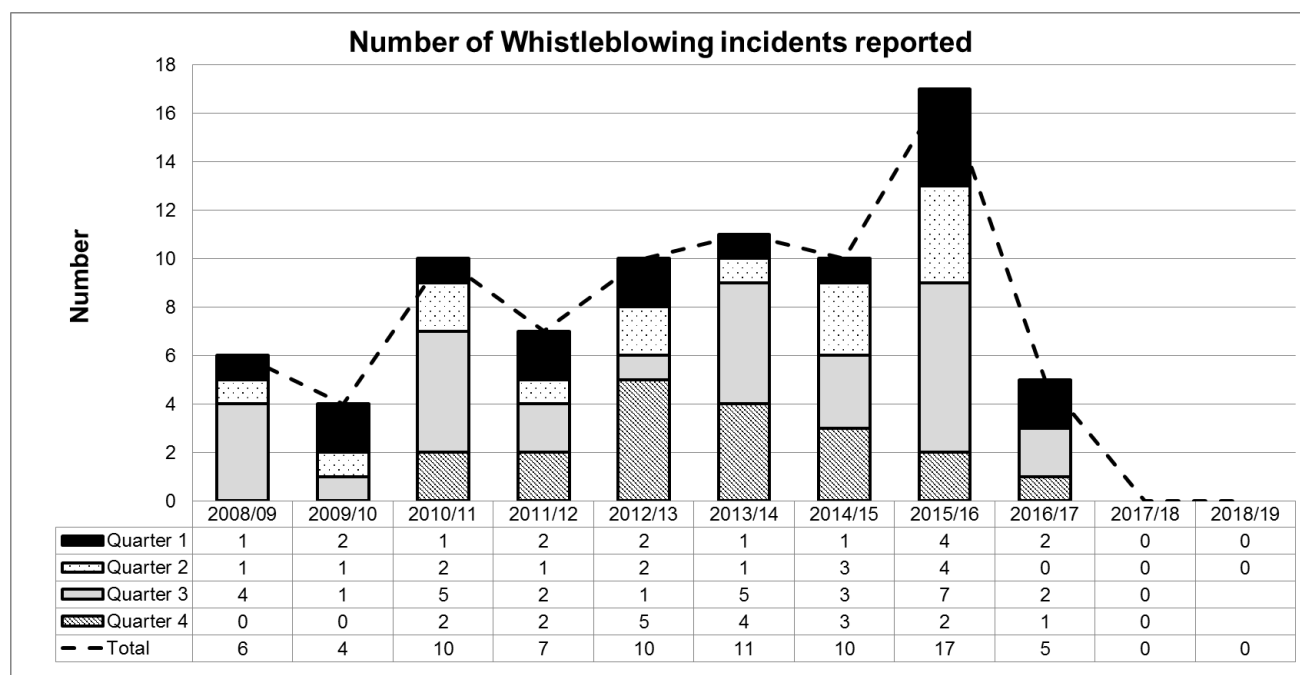
Interpreting the information needs a degree of caution. In 2008 to 2009 a significant factor was a large number of complaints emanating from one parish council which impacted on the yearly figures and also the average numbers of complaints received for that period. There were particular local circumstances that accounted for the rise.

Over the period from 2002/3 to 2016/17 there have been 38 complaints made in respect of Parish Councillors and for the same period 71 complaints relating to Borough Councillors.

The fact that there are more complaints in respect of Borough Council members is perhaps unsurprising given the types of decisions they are involved in making and the more prominent role that they play compared to Parish Councillors.

The increase in complaints received for 2015/16 related to one Parish Council alone which accounted for all of the 9 complaints attributed to Parish Councils. This has very significantly impacted on the total complaints received for 2015/16. The number of complaints for 2016/17 and 2017/18 are more in line with the overall average.

Whistleblowing

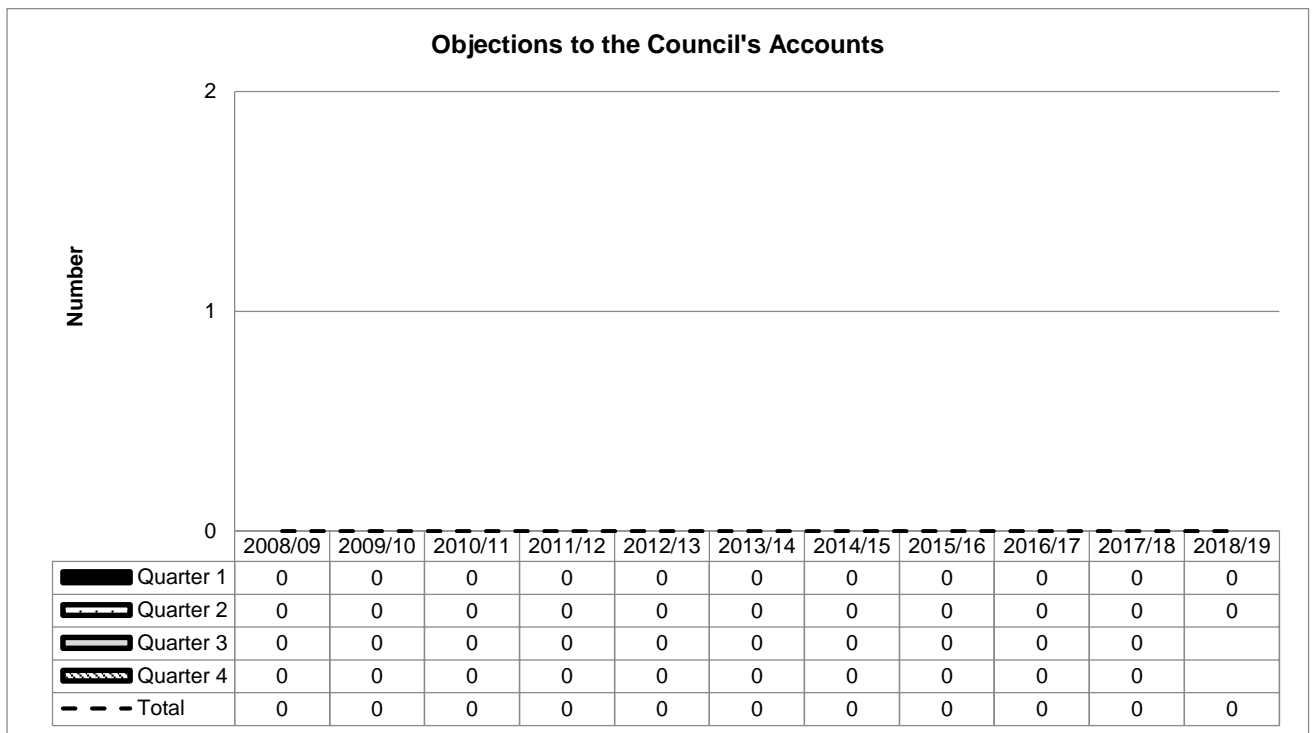
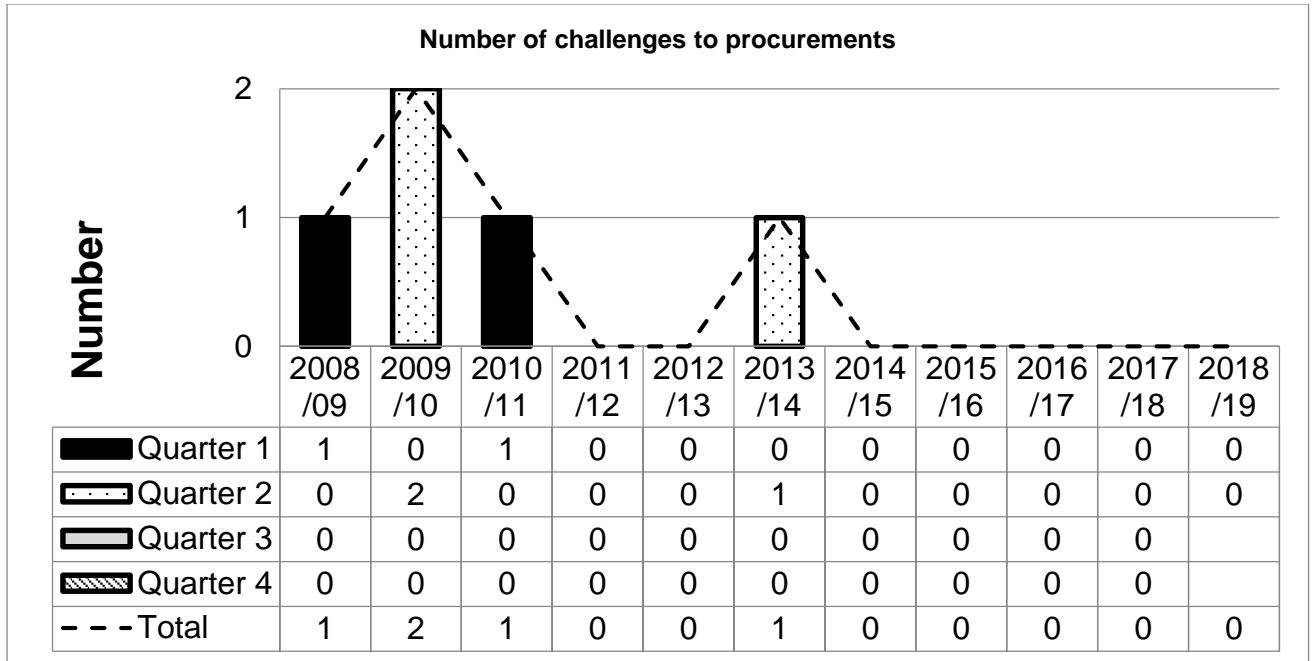


Comments

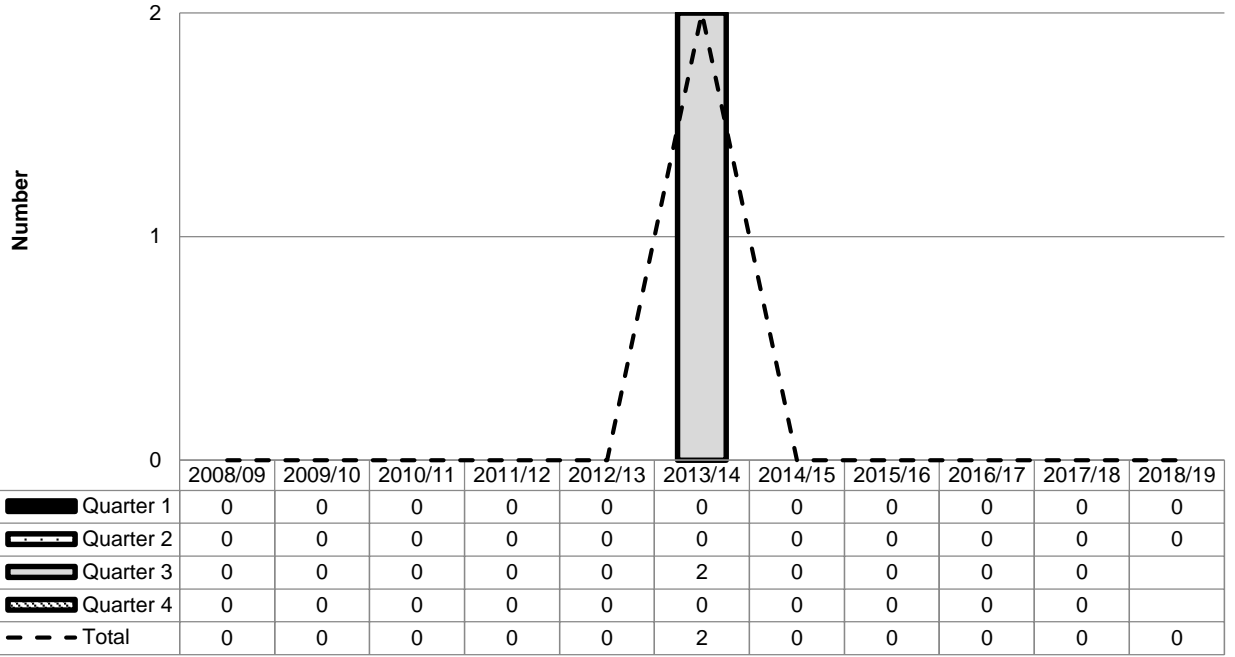
In 2008 a publicity campaign was launched and the Fraud Hotline set up.

There has been a slight increase in reported incidents (with a decline in 2016/17).

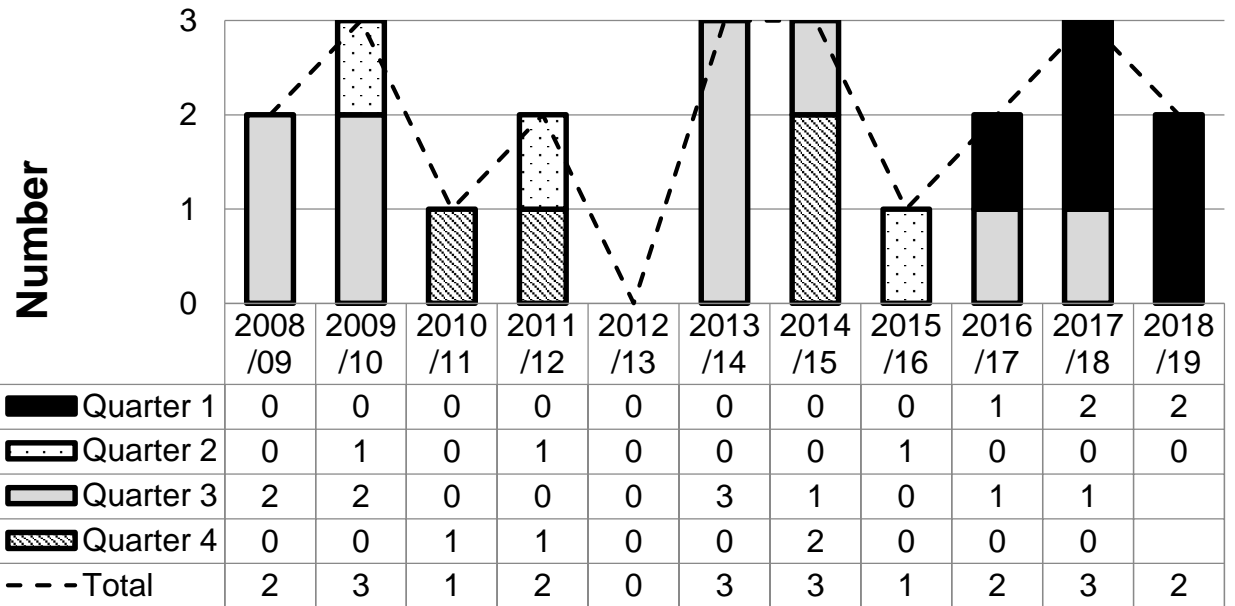
Publicity about whistleblowing is underway



Disciplinary action relating to breaches of the Member / Officer Protocol



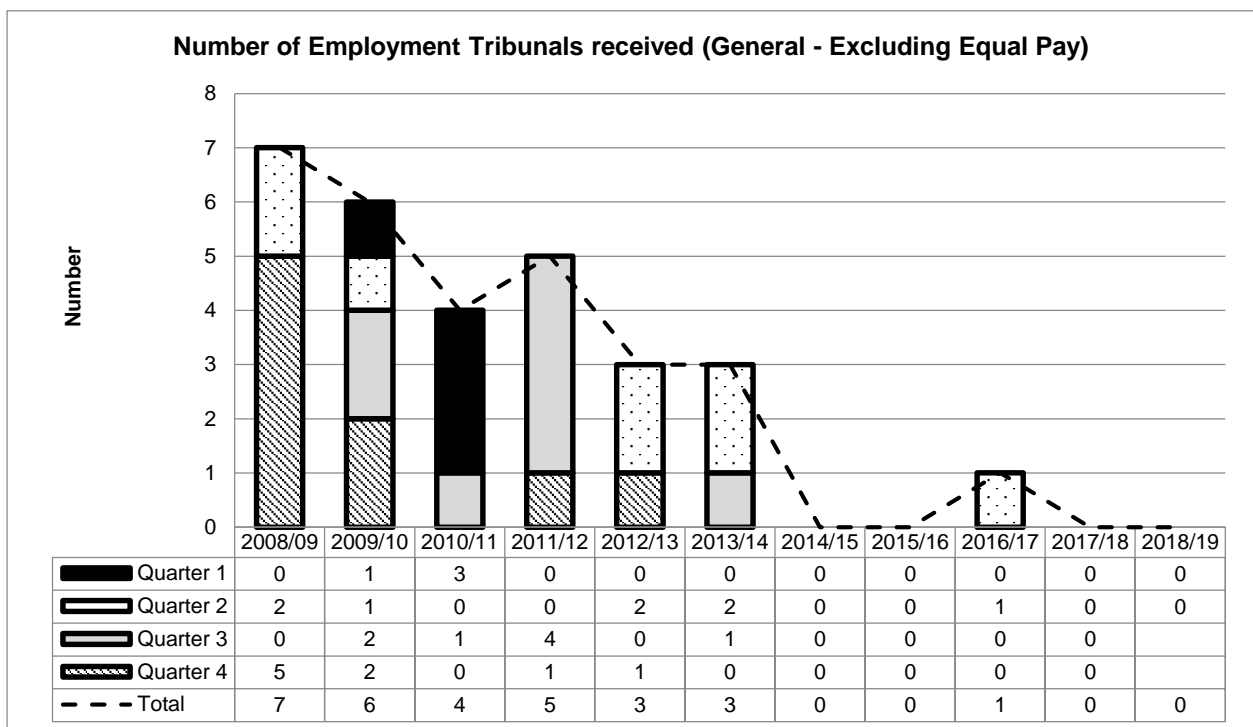
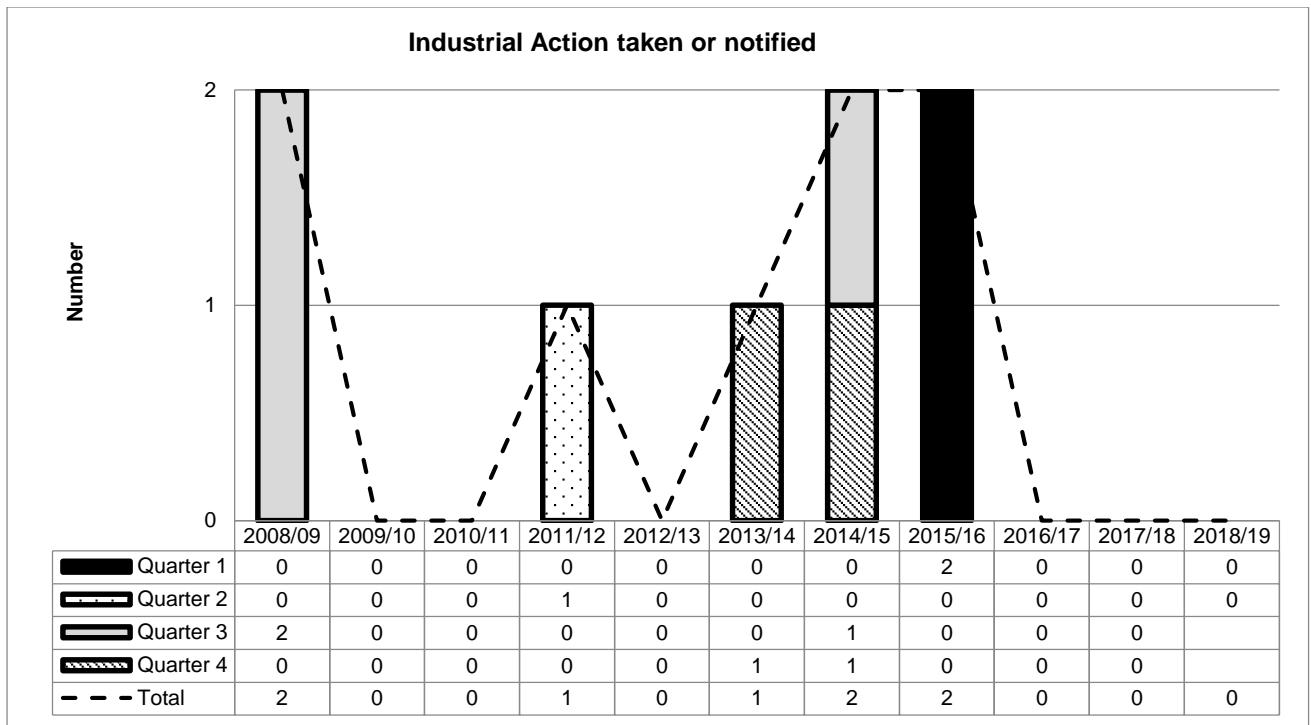
Disciplinary action relating to Fraud



Comments

In 2008 a publicity campaign was launched and the Fraud Hotline set up.

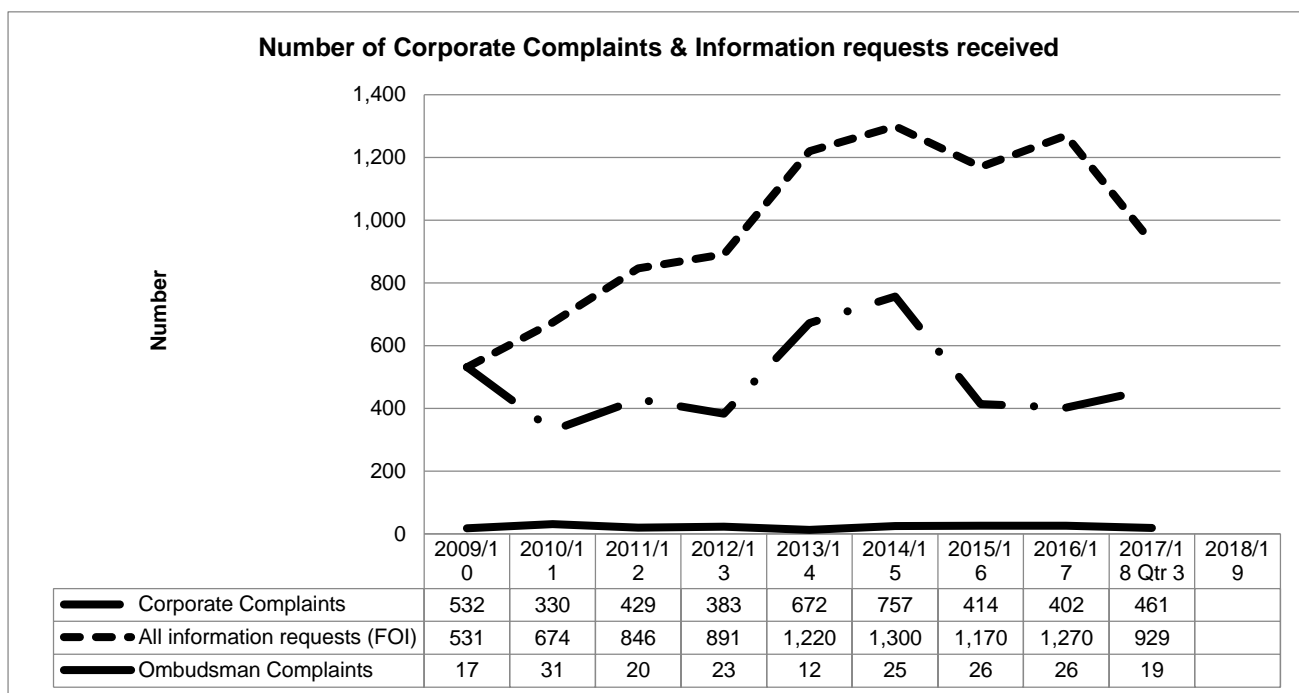
Changes in volumes may have some linkage to increasing awareness of how to report concerns and the current financial climate.



Comments

In 2007, 21 claims were received relating to group litigation against all 5 Tees Valley councils.

Fees for issuing Employment Tribunal; claims were introduced in July 2013, but held to be unlawful by the Supreme Court on 26 July 2017.



Comments

2010/11 - the reduction in the number of complaints received is, in part, attributed to the organisational learning resulting from complaints being handled effectively and in line with the procedure. This has resulted in a reduction in individuals having to contact the Council regarding the same issue(s).

2011/12 - the increase in the number of complaints received was anticipated in light of the increased pressure on Council services in the current financial climate.

2012/13 - while there was a decrease in the number of complaints received compared to the previous year the Council still received more complaints than it did in 2010/11.

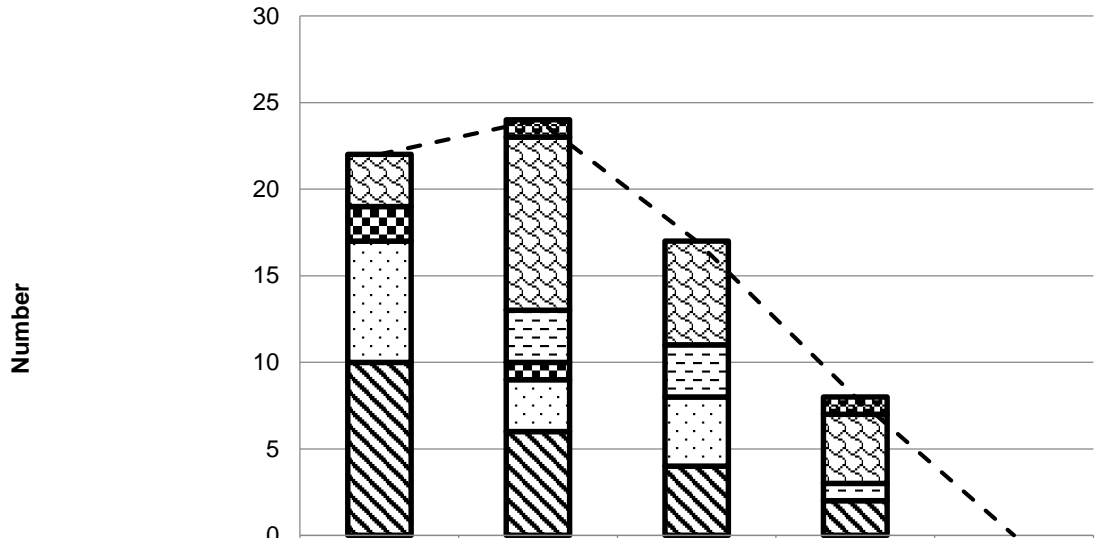
2013/14 - this increase in complaints can be attributed primarily to problems people experienced with their refuse collection, following the introduction in wheeled bins.

2014/15 - this increase in complaints can be attributed primarily to problems people experienced with their refuse and recycling collections, following the introduction of alternate weekly collections.

2015/16 – this decrease in complaints can be attributed primarily to the reduction in complaints about problems people initially experienced with their refuse and recycling collections following the introduction of alternate weekly collections.

2016/17 – the number of Corporate Complaints and Ombudsman Complaints received was similar to the number received in 2015/16, while there was an increase of 100 information requests.

Ombudsman Outcome Category



	2014/15	2015/16	2016/17	2017/18 Qtr 3	2018/19
Upheld: Maladministration No Injustice	0	1	0	1	
Upheld: Maladministration and Injustice	3	10	6	4	
Not upheld: No maladministration	0	3	3	1	
Not upheld: no further action	2	1	0	0	
Closed after initial enquiries: out of jurisdiction	7	3	4	0	
Closed after initial enquiries: no further action	10	6	4	2	
Total	22	24	17	8	0