

**AUDIT COMMITTEE
28 SEPTEMBER 2022**

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 members an update of information about issues relevant to member standards since matters were reported to the Committee in April 2022.
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.

**Luke Swinhoe
Assistant Director, Law and Governance
Monitoring officer**

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 and Climate Change	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 an executive report
Urgent Decision	This is not an executive report
Council Plan	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

Independent Person

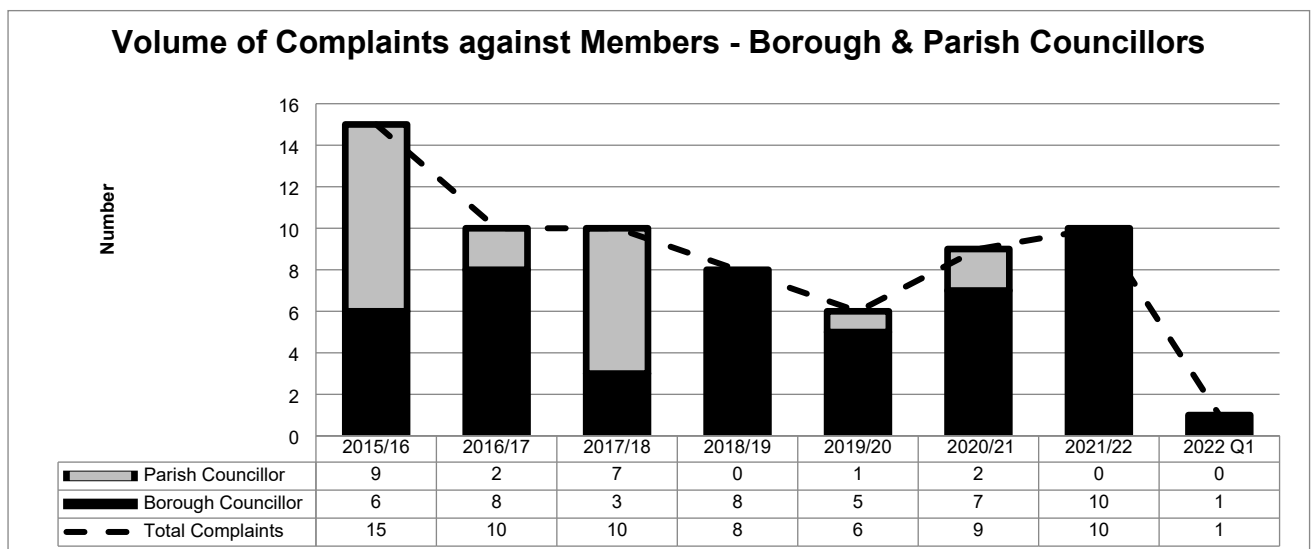
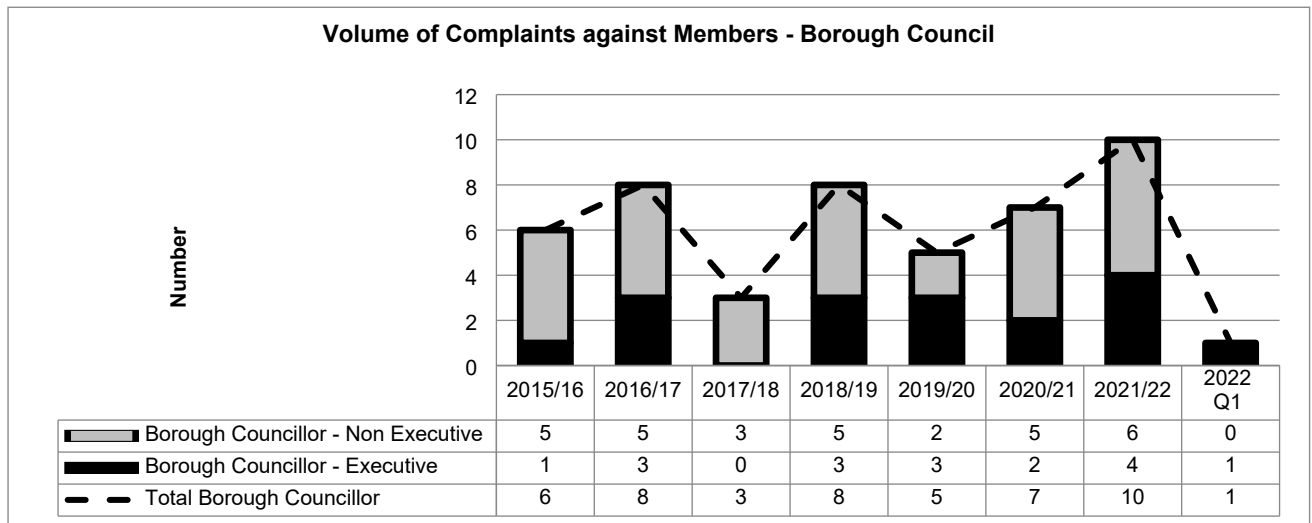
7. Since the last report to the Audit Committee, the Independent Person, Joanne Kidd was appointed by Her Majesty the Queen on advice from the Lord Chancellor to become a Circuit Judge. I am sure that the Committee will want to congratulate her and wish her well in her new role. Unfortunately this means that there is now a vacancy
8. The Independent Person role was established by the Localism Act 2011 to enable an outside independent advisor (neither a member nor an officer of the council) to give their views when the council receives complaints about the conduct of members. Councils must appoint at least one Independent Person
9. While the member complaints function is the primary role, an addition function was added by subsequent legislation, requiring that they should be consulted if there is a proposal to dismiss one of the council's statutory officers (ie Head of Paid Service, Chief Finance Officer or the Monitoring Officer). In this capacity the Independent Person would sit as a member of the Human Resources Advisory Panel.
10. In order provide cover in the event non availability or conflicts, to share the workload and to help and to provide greater resilience in the event of a vacancy, it was decided (should there be suitable candidates) to recruit 2 Independent Persons. The terms and conditions were also updated to reflect the slightly expanded functions, the annual allowance was slightly increased (from £802, which has not increased since 2012) to £900 and a 4 year term of office specified.

11. The position was advertised on Jobs North East from 21 July 2022 to the closing date of 22 August 2022. A Recruitment Panel was convened, made up of the Chair of Audit Committee, Group Leaders and the Monitoring Officer, to shortlist and then conduct interviews. Considering that it is an unusual role, there was a fair amount of interest and 6 candidates were shortlisted for interview. Interviews were held on the 9 September 2022.
12. The Recruitment Panel were in agreement about the candidates that they would like to be appointed and the Panel's recommendations to Council when it meets on 29 September 2022 will be that Beverley Boal and Julie Mathieson are offered the position of Independent Person.
13. Here is some information about the candidates:
 - Beverley Boal lives in Sunderland and is employed by the Care Quality Commission as an Inspection Manager. Beverley previously worked for Sunderland City Council from 1981 to 2015 in a number of roles including as the Complaints Manager.
 - Julie Mathieson lives in Darlington, is a solicitor and has been the Managing Director of DMA Law since 2011, a firm in which she has spent her whole professional life. Julie's responsibilities include complaints and compliance issues.
14. Induction and training to assist the newly appointed Independent Persons to discharge their roles will be undertaken by the Monitoring Officer.

Ethical Indicators

15. Set out in Appendix 1 are a range of data sets that it is hoped will to 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.
16. Member's observations about this information are invited.

Member Complaints

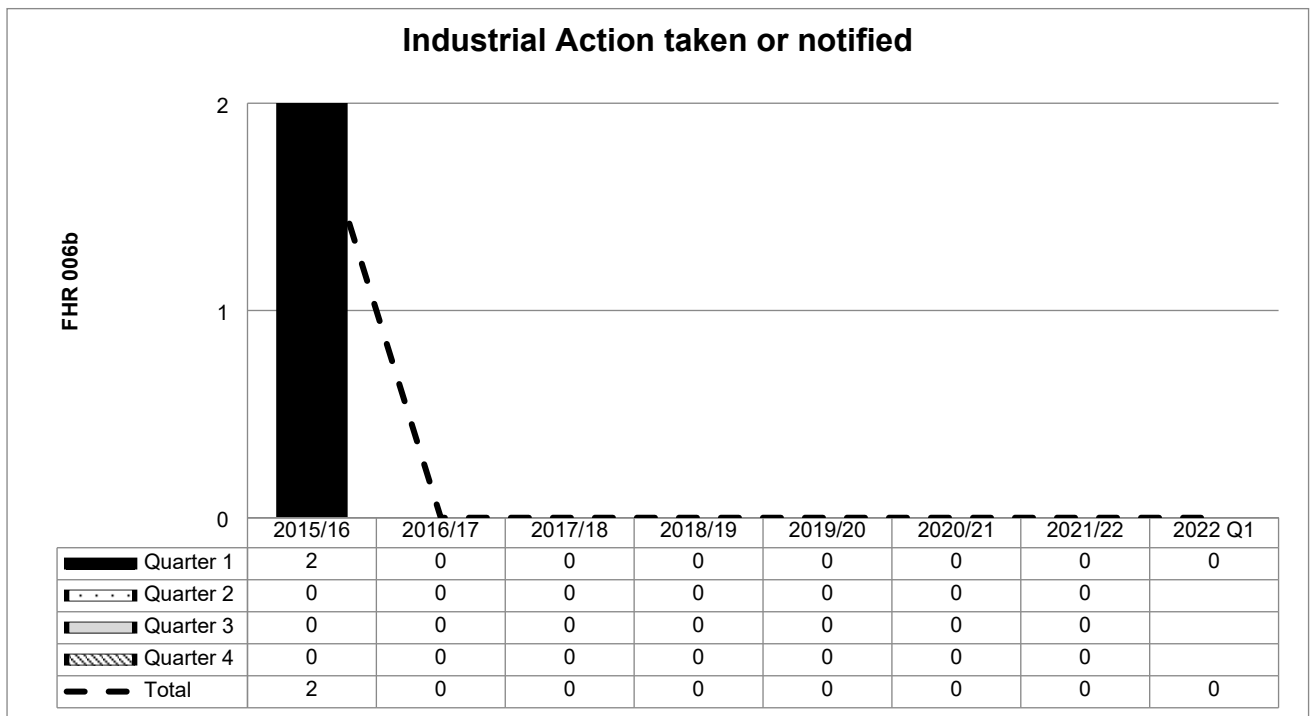
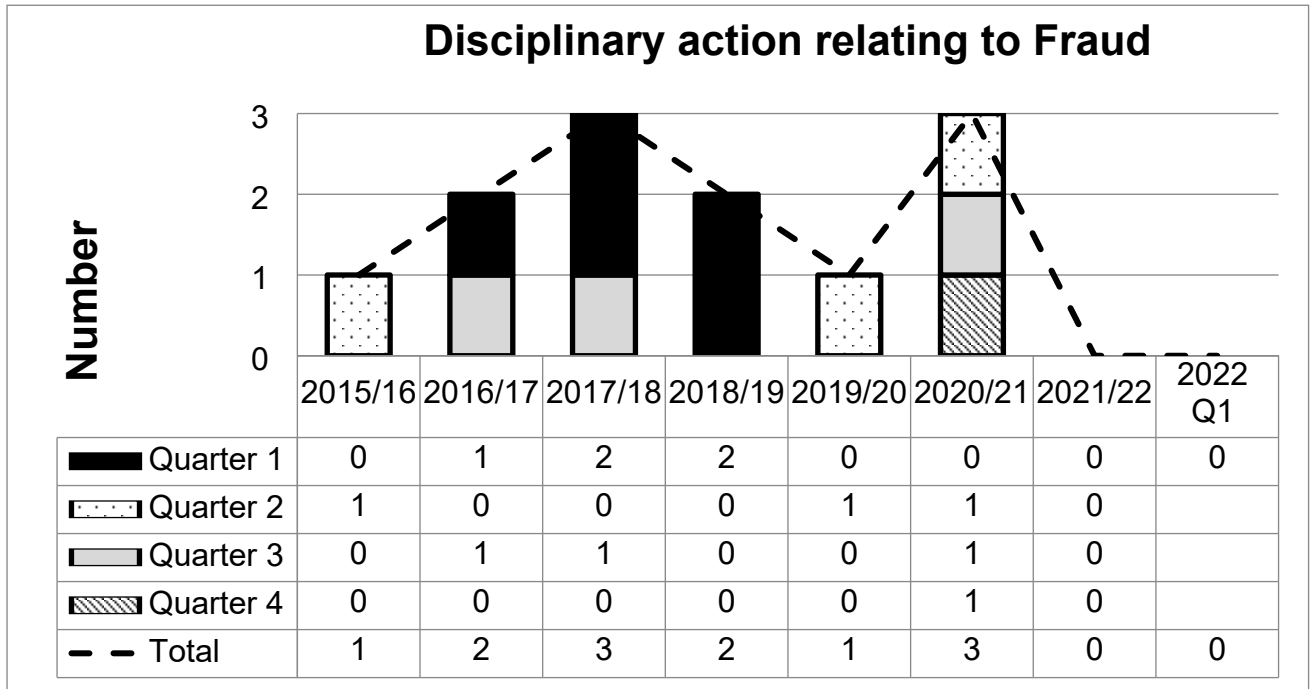


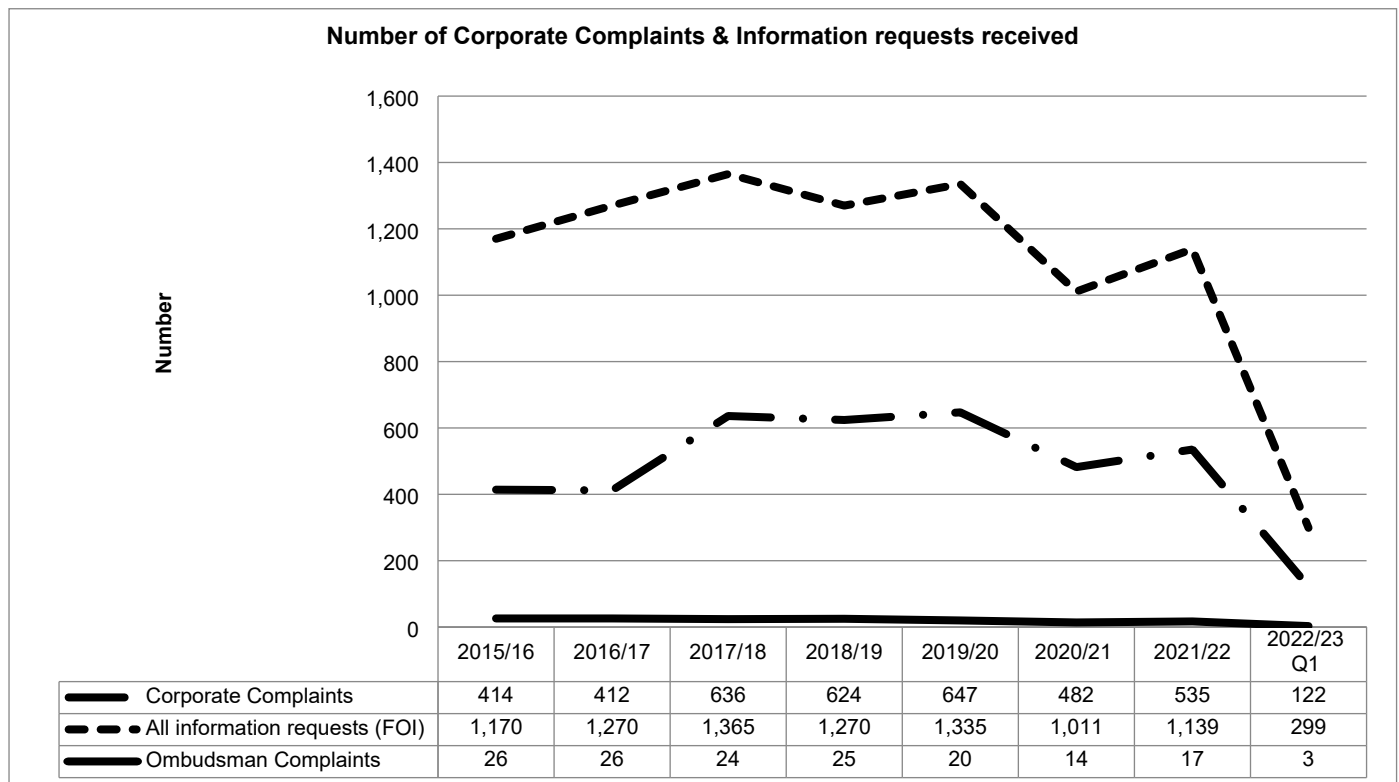
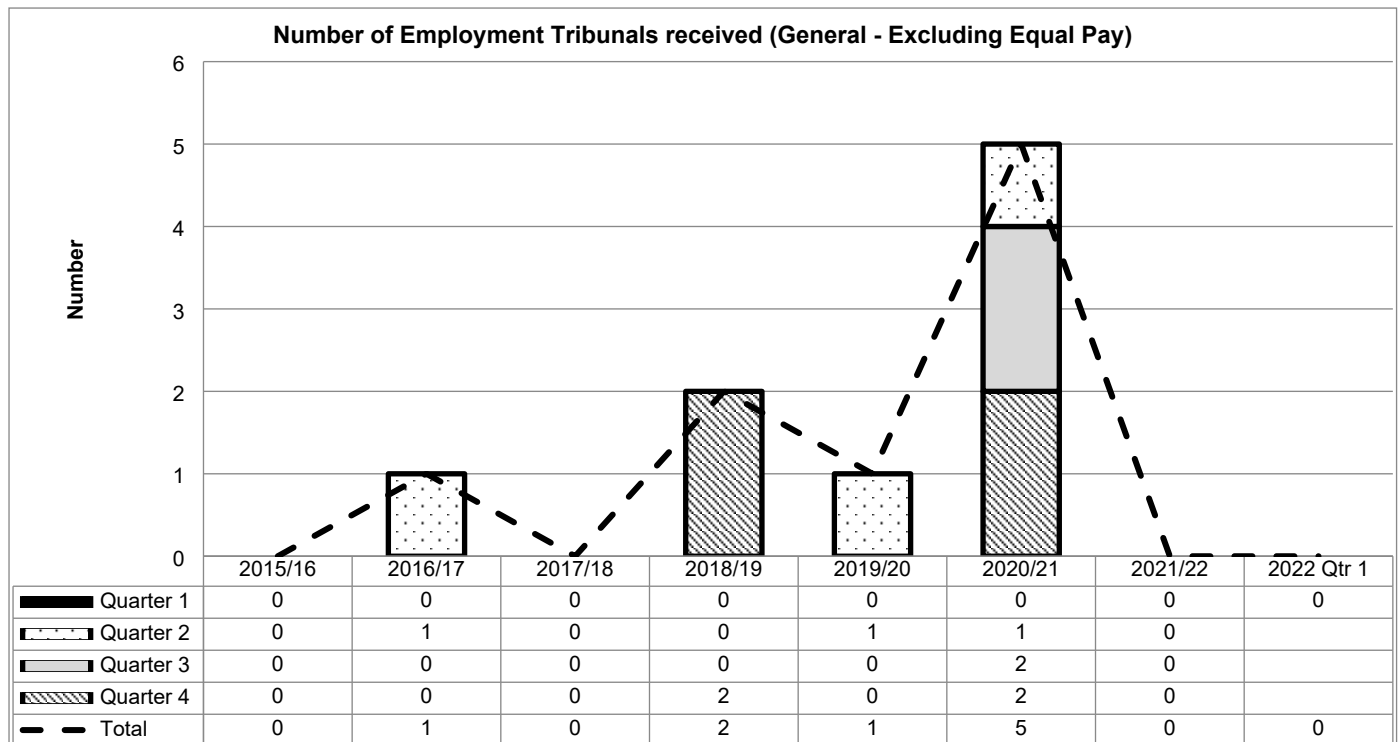
Comments

The average number of Member complaints per year from 2014/15 to 2021/22 was 9.5 per year.

Due to low volumes, interpreting the information needs a degree of caution. It is also the case that there can be spikes in complaints caused by particular concerns (for instance a number of complaints about a particular problem, or a complainant making the same complaint against a number of Members) which can disproportionately affect the overall total.

Over the period 2014/15 to 2021/22 there have been 21 complaints made in respect of Parish Councillors and for the same period 55 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.





Comments

2018/19 – The Council received 624 corporate complaints, a slight decrease from 636 the previous year. While there were increases in some areas, those which saw a decrease in complaints included Housing Benefit and Council Tax Support, Customer Services, Development Management and Parking Appeals.

2019/20 – The Council received 647 corporate complaints, an increase from 624 in 2018/19. The new Garden Waste service received 70 complaints while there were increases in a number of areas including, Refuse and recycling, ASB and Civic Enforcement Ops and Grounds Maintenance. Housing and Building Services saw a significant decrease in complaints while there were also decreases in other areas including Planning, Development Management and Environmental Health.

2020/21 - The Council received 482 corporate complaints, a decrease from 647 in 2019/20. The Council also saw a decrease in complaints across its other complaints procedures during this period. This coupled with the Local Government and Social Care Ombudsman’s decision to cease its investigations during the early stages of the pandemic have likely been a contributing factor in the continued decrease in the number of Ombudsman complaints received.

2021/22 – The Council received 535 corporate complaints, an increase of 48 from the previous year. The Council also saw an increase in complaints across its other complaints procedures, following the reduction seen during the early stages of the pandemic.

2022 Q1 – The Council received 122 corporate complaints during Q1, an increase from 50 for the same period in 2021/22.

