

AGENDA

Standards Committee

Date: **Friday 10 July 2009**

Time: **3.30 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Heather Donaldson, Democratic Services Officer

Tel: 01432 261829

Email: hdonaldson@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Heather Donaldson, Democratic Services Officer on 01432 261829 or e-mail hdonaldson@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Standards Committee

Membership

Chairman	Robert Rogers (Independent Member)
	Jake Bharier (Independent Member)
	Isabel Fox (Independent Member)
	Richard Gething (Parish and Town Council Representative)
	John Hardwick (Parish and Town Council Representative)
	David Stevens (Independent Member)
	John Stone (Local Authority Representative)
	Beris Williams (Local Authority Representative)

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1.	<p>ELECTION OF CHAIRMAN</p> <p>To note that, at the extraordinary meeting of Council on 12th June, 2009, Robert Rogers was re-elected as Chairman of the Standards Committee for the ensuing municipal year.</p>	
2.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by members in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 17 April 2009.</p>	5 - 10
5.	<p>APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS</p> <p>To consider applications for dispensations received from parish and town councils.</p> <p>Wards: County Wide</p> <p><i>(Note: at the time that this agenda went to print, no applications had been received. If any applications for dispensations are received before the meeting, an oral report will be given.)</i></p>	
6.	<p>STANDARDS COMMITTEE ANNUAL REPORT 2008</p> <p>To approve the final content and photographs in respect of the 2008 Annual Report.</p> <p>Wards: County Wide</p>	
7.	<p>STANDARDS BOARD FOR ENGLAND BULLETIN 44</p> <p>To consider the latest bulletin from the Standards Board for England.</p> <p>Wards: County Wide</p> <p><i>(Note: The item referred to in the Bulletin entitled "Probity in Planning" will be assessed for any potential impact on the Council's constitution, and may be considered as an agenda item in the future if necessary.)</i></p>	11 - 18
8.	<p>INTRODUCTION OF STAGE 3 COMPLAINTS PROCEDURE FOR AGGRIEVED COMPLAINANTS</p> <p>To consider the adoption of the Council's Stage 3 complaints procedure as a means of assisting aggrieved complainants.</p> <p>Wards: County Wide</p>	19 - 22

9. LOCAL GOVERNMENT AWARDS 2010

23 - 30

To consider submitting an entry into the Standards category of the Local Government Awards 2010.

Wards: County Wide

10. DATE OF NEXT MEETING

To note that the next meeting of the Standards Committee will be held on Friday 02 October 2009 at 2.00 p.m. in the Council Chamber at Brockington.

Future meeting dates are as follows:

- 08 January 2010;
- 16 April 2010.

11. EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below

12. LOCAL FILTER CASES AND DETERMINATIONS

31 - 46

- To update the Committee about progress made with complaints about local authority, parish and town councillors during the period from 08 May 2008 to the present
- To share recent experiences of the local filter and determinations process.

Wards: County Wide

(This item contains information which is subject to an obligation of confidentiality)

Your Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
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Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

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- Public transport access can be gained to Brockington via bus route 75.
- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 17 April 2009 at 2.00 pm

Present: Robert Rogers (Independent Member) (Chairman)
 Richard Gething (Parish and Town Council Representative)
 David Stevens (Independent Member)
 John Stone (Local Authority Representative)
 Beris Williams (Local Authority Representative)

89. APOLOGIES FOR ABSENCE

Apologies for absence were received from Isabel Fox and John Hardwick.

90. DECLARATIONS OF INTEREST

There were no declarations of interest made.

91. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 16 January 2009 be approved as a correct record and signed by the Chairman, subject to the deletion of the word “further” in the second paragraph of Minute 86 (PUBLISHING THE DECISIONS OF ASSESSMENT AND REVIEW SUB-COMMITTEES).

92. STANDARDS BOARD FOR ENGLAND / HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS JOINT PILOT PROJECT

Mr R Gething reported progress on the Standards Board for England's (SBE) pilot project to produce a model for compacts between Associations of Local Councils, the Society of Local Council Clerks, Monitoring Officers and Standards Committees. The project assessed activities such as joint training, informal meetings between Standards Committees to ensure agreement on application of the Code of Conduct, and the production of joint guidance leaflets.

The pilot project would shortly be drawing to a close, and the Herefordshire Association of Local Councils (HALC) had produced a draft report for the National Association of Local Councils, and a compact which explained how the Standards Committee interacted with HALC. Mr Gething reported that the project had been extremely successful, and had highlighted the exemplary working relationship between the Committee and HALC. The SBE had employed consultants to conduct a review of the project, and they would engage Committee members, HALC, and some of the participating parish and town councils in their research.

The Committee would update its existing leaflets for parish and town councils which were produced jointly with HALC, and agreed to the production of two new ones as a result of the pilot project, which would help to explain the Council's planning process, and the Code of Conduct and the role of the Standards Committee since the introduction of the local filter.

RESOLVED: (unanimously) that

- (i) **the report be noted;**
- (ii) **the Committee will review its existing leaflets for parish and town councils, and approve two new leaflets in respect of planning, and the Code of Conduct and role of the Standards Committee; and**
- (iii) **all work in relation to the leaflets be undertaken and finalised by email.**

93. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

There were no applications for dispensations received.

94. PRE-ELECTION PERIOD AND GUIDANCE FOR THE 2009 EUROPEAN ELECTIONS

The Assistant Chief Executive (Legal and Democratic) apprised the Committee of the statutory requirements relating to Council publicity in the "Pre-Election Period" – the period between the notice of election being issued and the date of the election. The Committee considered a proposed guidance note for members and officers, and made two amendments.

RESOLVED: (unanimously) that

- (i) **the report be noted; and**
- (ii) **the following amendments be made to the paragraphs indicated in the proposed guidance:**

1. Introduction: The last paragraph, first sentence be amended to read "The Standards Committee, in the first instance, can enforce these rules if they involve a breach of the Code of Conduct by a Member."

4. Publicity and Events: The seventh paragraph, second sentence be amended to read: "If they break the Code, they can be reported in writing to the Standards Committee, which may consider the complaint, may order an investigation and has the power to suspend a Councillor for up to 6 months."

95. STANDARDS COMMITTEE ANNUAL REPORT 2008

The Chairman reported that he would compile information for the Standards Committee Annual Report for 2008, with assistance from the Democratic Services Officer. The Democratic Services Officer would email to the Committee a selection of pictures of Herefordshire villages for the cover, and would obtain updated and new biographies as appropriate.

RESOLVED: (unanimously) that progress with the Annual Report for 2008 be noted, and the necessary work be undertaken in order to finalise the report as a matter of priority.

96. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Democratic Services Officer reported on the eighth Annual Assembly of Standards Committees, which would be held on Monday 12 and Tuesday 13 October 2009 at the International Convention Centre in Birmingham.

The programme would look in depth at standards in action, and would give delegates the opportunity to share good practice, and discuss their experiences of managing the practicalities of local assessment.

Three members agreed to represent the Standards Committee, and the Democratic Services Officer said that she would also offer the opportunity of attending to those absent from the meeting. In addition, the Committee requested that the Hereford and Worcester Fire and Rescue Authority be asked to meet the costs of members which were common to both Standards Committees.

RESOLVED: (unanimously) that

- (i) Councillor John Stone, David Stevens, Richard Gething attend the Eighth Annual Assembly of Standards Committees in Birmingham on 12 and 13 October 2008, and members absent from the meeting be given the opportunity of attending; and**
- (ii) the Hereford and Worcester Fire and Rescue Authority be requested to meet the costs of those members who were common to both committees**

97. STANDARDS BOARD FOR ENGLAND BULLETIN 42

Members considered the latest bulletin from the Standards Board for England. In particular, they noted that Monitoring Officers would be required to provide an annual return for the first time, and they requested an opportunity to view the information submitted before the deadline, and make contributions as appropriate.

In respect of the indemnification of members, the Legal Practice Manager said that he would ask the Chief Executive to confirm by letter that Independent Members and Town and Parish Council Representatives of the Standards Committee were included in the Council's indemnification arrangements.

RESOLVED: (unanimously) that

- (i) the report be noted;**
- (ii) the Standards Committee be given the opportunity to contribute to the Annual Return to the Standards Board for England; and**
- (iii) the Chief Executive be requested to confirm by letter that Independent Members and Town and Parish Council Representatives of the Standards Committee were included in the Council's indemnification arrangements.**

98. DATE OF NEXT MEETING

Friday 10 July 2009 at 2. 00 p.m. in the Council Chamber at Brockington.

[Note: subsequent to the meeting, the Chairman agreed to move the time of the next meeting to 3.30 p.m. in order to enable joint Standards Committee training to take place in Worcester on the morning of 10 July 2009]

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: (unanimously) that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

99. EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR

The Committee reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. They discussed the handling of specific cases with a view to establishing best practice.

Arising from the discussion, the following principal points were made:

- The Democratic Services Officer would ensure that all members had an up-to-date folder containing all the guidance from the Standards Board for England, and the Council's constitution.
- Members considered that Investigating Officers should have powers to impose deadlines on all parties involved in an investigation, in respect of the receipt of any information requested. Failure to provide the information by the deadline would result in the Investigating Officer's final report being produced without it.
- If a complaint was received about a matter which pre-dated the introduction of the local filter on 08 May 2008, it would be necessary to ensure that the complaint had not been dealt with before, under the old legislation.

RESOLVED: (unanimously) that the report be noted, and the procedures outlined in the bullet points of the above minute be adopted.

100. MEMBERSHIP OF THE STANDARDS COMMITTEE

The Chairman reported on the interview process for recruiting an additional Independent Member. The additional member had been agreed at the Committee's last meeting, in order to reduce the possibility of statutorily required independent chairs being conflicted out of the various stages of the local filter process. The interviews had taken place on 06 March 2009, and the panel had consisted of Robert Rogers (Chairman), Councillor John Stone, John Hardwick, and Colonel Tony Ward OBE (Independent Member of the West Mercia Police Authority, and a member of that Authority's Standards Committee) as an external member. The panel had been unanimous in recommending the appointment of Mr Jake Bharier.

At its meeting on 16 January 2009, the Standards Committee agreed to request two nominations each from the Herefordshire Association of Local Councils and from Herefordshire Council, in respect of members who would substitute for the Standards Committee's existing representatives. The reason for this process was to provide an increased pool of members to deal with the local filter process, which had demonstrated a significant increase in workload, particularly at

assessment and review. The Committee noted that to date, the Leader had nominated Councillor Josie Pemberton, and that one further Councillor would be nominated. The Herefordshire Association of Local Councils would also provide nominations for two further parish and town council representatives.

RESOLVED: (unanimously) that it be recommended to Council that

- (i) Mr Jake Bharier be appointed as an Independent Member of the Standards Committee; and**
- (ii) The Standards Committee approves and trains Councillor J Pemberton, and one further local authority representative, and two additional named parish and town council representatives, who will substitute for the Standards Committee's existing representatives when required.**

The meeting ended at 3.20 pm

CHAIRMAN



New regulations come into force

In [Bulletin 42](#) we explained that regulations were being prepared to allow the Standards Board to suspend the initial assessment functions of an authority and to enable authorities to establish joint standards committees. The Standards Committee (Further Provisions) Regulations 2009 came into force on 15 June 2009. [Guidance about establishing joint standards committees](#) has been issued by the Standards Board to coincide with the regulations.

The regulations are much as expected and you may wish to refer to the [relevant article in Bulletin 42](#) for a summary of what they contain.

The regulations also amend the powers of standards committees to grant dispensations to members who would otherwise be unable to take part in authority business because of a prejudicial interest. There is a separate article about dispensations in this Bulletin and [guidance has also been issued](#) on our website.

Changes to criteria for granting dispensations

The Standards Committee (Further Provisions) (England) Order 2009 makes changes to the criteria for granting dispensations for members to speak and vote when they have a prejudicial interest.

A standards committee can grant a dispensation to a member:

- where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting **OR**
- where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

To decide whether these criteria apply, members must ignore any dispensations that have already been given to others at the meeting. The requirement to ignore any dispensations already granted means that any previously granted dispensations are disregarded for the purposes of working out whether the two circumstances above apply.

So, if there were ten members on a committee, six of whom would not be able to vote on some business, all six can claim a dispensation. If previously granted dispensations were not disregarded, a situation could arise where once two people had been granted

dispensations, the remaining four would be ineligible. This is because at that point there would be less than 50% of the committee who could not vote.

Even if the criteria apply, members cannot get a dispensation to:

- allow them to take part in voting at an overview and scrutiny committee about a decision made by any body of which they were a member at the time the decision was taken
- allow an executive member with a prejudicial interest in an item of executive business to take an executive decision about it on their own

Ultimately it is for an authority's standards committee to decide what criteria they will apply when considering a request.

The criteria that will be applied and the process that will be followed should be made available to all members by the standards committee.

By law, a member must submit an application in writing for consideration by the standards committee. It is up to the standards committee whether or not they grant a dispensation and there is no right of appeal from their decision.

A standards committee can decide the nature of any dispensation it grants. For example, the dispensation may allow a member to speak and not vote, or to fully participate and vote. The committee can also decide how long the dispensation should apply, although it cannot be longer than four years.

After four years has elapsed since a dispensation was granted, it can no longer be used.

The decision must be recorded in writing and must be kept with the register of interests maintained by the monitoring officer.

We have issued new guidance on dispensations to reflect the new regulations. The guidance can be found by clicking [here](#).

Standards Board responds to CSPL inquiry

The Standards Board has responded to the inquiry into MPs' expenses held by the Committee on Standards in Public Life. You can view our response to the Committee on Standards in Public Life's inquiry by clicking [here](#).

Support for Code of Conduct 'remains high'

Newly-published research suggests that member behaviour is improving and that support for the Code of Conduct remains high.

The Standards Board surveys the level of satisfaction in local government with our performance, and attitudes to the ethical environment, every two years. This year we commissioned BMG Research to carry out this survey on our behalf. As some of you may know, the survey was first undertaken in 2004 and was repeated in 2007.

The report's key findings are:

- 62% consider us successful in keeping local government, in general, informed about what we are doing (52% in 2007 and 46% in 2004). We are committed to making continuous improvements in this area.
- Support for the Code of Conduct remains high - 94% support the requirement for members to sign a Code of Conduct (93% in 2007 and 84% in 2004)
- 47% of respondents stated that they think members standards of behaviour have improved (44% in 2007, 27% in 2003).
- 75% of stakeholders have confidence in the way their local standards committee deals with complaints about members.
- This year we also asked respondents if they support the requirements for an officer's code - 88% of members expressed support for a requirement for an officer's code compared with 70% of monitoring officers and 78% of town/parish clerks. We will be feeding this information back to the department for Communities and Local Government.

Questions asked in the survey covered a number of areas including:

- attitudes to the Standards Board and ethical environment
- perceptions of the Standards Board
- views on our publication and website
- suggestions for ways in which we can improve our communication

In total, BMG received 1,973 completed questionnaires; this represents a response rate of 44% among town and parish councils, and 32% among principal and other authorities.

The research findings allow us to identify strengths and weaknesses, as well as demand for our services. In this way we can tailor our communications and advice and guidance to the needs of our stakeholders. Since the research also collects data on attitudes to the ethical environment, we can also use it to help us assess the impact of the standards framework.

Thank you to everyone who participated in this survey, it is only through your continued support with our research that we are able to track the progress we are making.

A copy of the full report can be downloaded by clicking [here](#).

For further information, please contact:

Cara Afzal (Deputy Research and Monitoring Manager) on 0161 817 5314 or email cara.afzal@standardsboard.gov.uk.

Studying the impact and effectiveness of the ethical framework in local government

In 2006, we commissioned Cardiff University to carry out a five-year project to identify the impact of the standards framework within nine local authorities. Year one of this study is now complete.

This project also involved a survey of the public within the nine areas to identify any link between the activities of a local authority and public perceptions. This research is being led by Dr Richard Cowell from the Centre for Local and Regional Government Research.

The research aims to address three main questions:

- Has the ethical framework caused any changes in local government processes and systems, and culture and values?
- Has the ethical framework had any effect on the conduct of councillors?
- Has the ethical framework had any effect on public attitudes to local government either directly, or through any changes in council processes and/or councillor conduct?

What has the research found so far?

Changes in processes, systems, culture, and values: The research identifies that, in most councils, the ethical framework and standards have become established and accepted as part of corporate life. The majority of respondents are positive about the move towards local regulation (apart from a concern about costs). The formal components of the ethical framework are being implemented successfully and there is some desire among those interviewed for committees to take a more pro-active role in promoting good conduct.

The conduct of councillors: The research reveals many feel that the conduct of councillors has improved in recent years, and that ethical issues are being treated seriously. There also seems to be widespread support for the view that the ethical framework has been beneficial. Councils with better conduct tend to make more effort to continually train and remind councillors of their responsibilities, and to make involvement in training mandatory. The ethical framework has helped improve conduct by acting as a regulatory mechanism, being used to support the sanctioning, demotion or resignation of councillors who have caused serious ethical problems.

Effect on public attitudes: The research found that more positive public survey responses for trust are achieved in councils displaying good standards of conduct. In addition, councils with high levels of trust tend to be well managed. Nearly half of the public survey respondents were confident that their local authority would uncover breaches in standards of behaviour by a councillor. Furthermore, a similar proportion believe that those breaching the Code would be dealt with effectively.

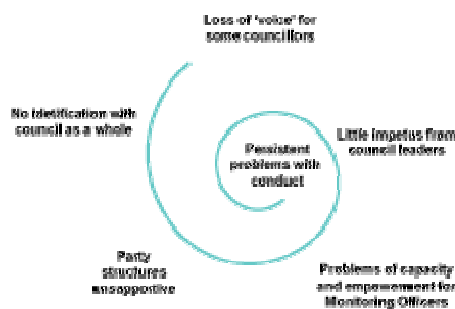
The research has also highlighted two very useful typologies, “Virtuous circles”, and ‘Spirals of despair’.

- **“Virtuous circles”** - refer to those organisational and cultural factors that lead to effective use of the ethical framework and good conduct
- **“Spirals of despair”** - are factors that result in poor conduct

Virtuous Circles



Spirals of despair



For more details on these factors, please click [here](#) to read the full report.

We are committed to making findings from our research accessible to our stakeholders and to this end we will continue to use various forums to disseminate the findings.

If you have any thoughts on this report, or the usefulness and accessibility of other Standards Board research please do not hesitate to contact Cara Afzal, Deputy Research and Monitoring Manager on 0161 817 5414, or email cara.afzal@standardsboard.gov.uk.

Quarterly returns – one year on

We have been collecting quarterly returns for a year now and so take the opportunity to reflect on how the local framework has bedded in.

Firstly, we would like to thank all monitoring officers and their colleagues who made returns to the Standards Board. We are delighted with the consistent high level of completed returns. For quarter four – as with quarter two – we received a return from every authority. This was a particularly good achievement as we asked those authorities that were being abolished to send their returns earlier than the normal schedule.

Undoubtedly, these authorities were under extreme pressure preparing for the transition to unitary status.

We do not underestimate how difficult it must have been to find time to complete the quarterly returns. We are hopeful that the impressive return rate will continue into the next financial year.

The next collection period for the 1 April – 30 June quarter will be 1-14 July.

What can we tell from the first year's worth of data?

Standards committees

Quarterly returns tell us that a typical standards committee has **10** members. In an authority without parishes it has **9** members, including **4** independent members. In an authority with parishes it is slightly larger with **11** members, including **4** independent members and **3** parish representatives.

On average, district and metropolitan councils have the largest standards committees and police authorities have the smallest. Standards committee composition has remained constant through all quarters

Case handling

A total of **2,863** cases have been recorded on quarterly returns so far. This covers the time period 8 May 2008 to 31 March 2008. **345** authorities have dealt with at least one case during the first year. Of all the authorities with cases, the average recorded is **2** per quarter, a total of **8**.

It is still perhaps too early to identify trends and make generalisations, but it is interesting to note that in quarter 4, the number of cases received under the new framework is very similar to the previous two quarters (see chart below). This may indicate that the case load is levelling out, now that potential complainants are aware of the new system.

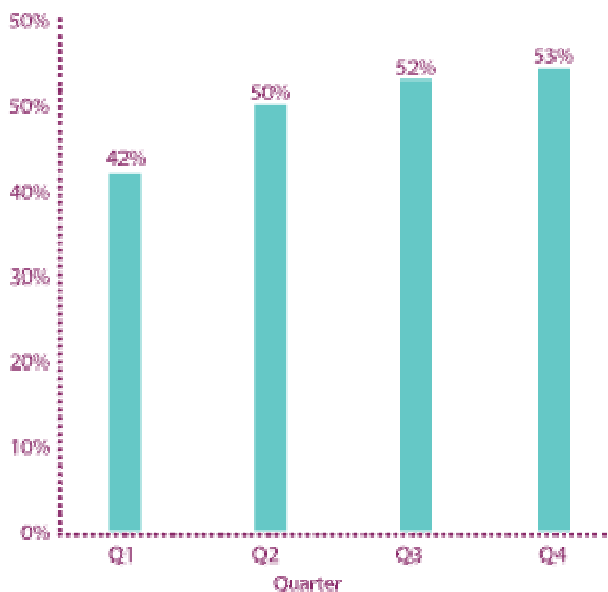


The majority of complaints, **54%**, are made by the public and **36%** are from council members. The remaining **10%** are from a combination of officers, parish or town clerks, MPs, monitoring officers, and those that fall into the category of 'other'. Again, these percentages have seen little change during the year.

Initial assessment

The percentage of cases where no further action is taken is increasing each quarter.

Percentage of no further action decisions



There have been 526 review requests through the year and 384 of these have been assessed. **94%** have remained 'no further action' and the other 25 (**6%**) were either referred for investigation or referred to us.

There are 224 cases with investigation outcomes recorded on quarterly returns. In **71%** of cases, no breach of the Code was found. In **25%** of cases, a breach was found and a penalty was imposed, and in **4%** of cases a breach was found but no further action was taken.

More details about the quarterly returns, such as what breaches of the Code have been recorded, can be found on our website by clicking [here](#). You can also contact the monitoring team on 0161 817 5300 or email authorityreturns@standardsboard.gov.uk.

Good response for annual returns

We are very pleased with the number of returns we have received for the annual return questionnaire, which was launched on 20 April 2009.

As of 29 May, 95% of authorities had completed a return. This figure includes the new unitary authorities, which completed a shortened version.

We are now entering the analysis phase and first impressions are that there is a good range of notable practice to share with standards committees. More information about our findings will follow in future *Bulletins* and on our website.

Probity in Planning Guidance Issued

The Local Government Association has recently published a revised guidance note on good planning practice for councillors and officers dealing with planning matters.

This 2009 update provides refreshed advice on achieving the balance between the needs and interests of individual constituents and the community and the need to maintain an ethic of impartial decision-making with regards to planning decisions.

For more information please see the [LGA website](#).

A new look

From July this year there's a new look and feel to our communications – and we're introducing an abbreviated version of our name: Standards for England.

We've made this switch to emphasise how our role has changed over the past 18 months. During that time we've moved from being an organisation focused mostly on handling complaints to the strategic regulator of standards among local politicians. We'll be telling you more about our new role in our corporate plan, which will be available shortly.

And in our new role we're all about Standards for England.

We believe in principled local politics. Working with local authorities, their monitoring officers and local standards committees, it's our job to champion and promote high standards of conduct among our local politicians. We want to make sure the public are in no doubt that standards and principles matter to local government.

We've made changes after sampling the views of key stakeholders, including those in local government. We asked: what leadership do you expect from us? Our communications will do more to highlight the positive aspects of conduct; making the point that ethical behaviour is both a good thing in itself and good for local democracy.

You can read more about our refreshed identity on our website from 1 July. We'll be introducing style changes to our publications and our website over the next few months. We hope you'll like them, and as always we'll welcome your feedback.

We believe in Standards for England. We hope you do too.



MEETING:	STANDARDS COMMITTEE
DATE:	10 JULY 2009-07-02
TITLE OF REPORT:	INTRODUCTION OF STAGE 3 COMPLAINTS PROCEDURE FOR AGGRIEVED COMPLAINANTS
PORTFOLIO AREA:	STANDARDS – LEADER OF THE COUNCIL

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To note and approve this report.

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT the Standards Committee:

- (a) approves the adoption of a Stage 3 complaints process**

Key Points Summary

- The processing of standards complaints have limited avenues of address and in particular the complainant has no redress beyond review of the initial assessment if there is a finding of no breach or no further action.
- The guidance issued by the Standards Board for England recommends that complainants are able to use the mechanism for general complaints against the Council where they are unhappy with the handling of any complaint.
- As this is a three-stage process, it is recommended that complaints of this nature are only dealt with at Stage 3 (top level)
- A complainant who remains aggrieved following the stage 3 procedure can then refer

Further information on the subject of this report is available from
Geoff Hardy (01432) 260516

the matter to the Local Government Ombudsman if they so wish.

- These complaints would be restricted to either the conduct of the investigation or the interpretation and reasoning contained in the investigator's report.

Introduction and Background

- 3 The local filter mechanism was revised in 2008 and guidance from the Standards Board was issued in August 2008.

The guidance clearly recommends processing concerns by complainants over the manner in which an investigation is conducted or the manner in which the report is finalised as a service complaint.

Key Considerations

- 4 The Council has a three-stage process for general complaints. Stage 1 is usually investigation and a response by any named individual's Line Manager. At Stage 2 it is escalated to the Director in whose Directorate the issue arises. Clearly to incorporate Stages 1 and 2 into the process for complaints relating to standards complaints would be both unnecessarily lengthy and would provide a poor fit.
- 5 By automatic escalation to Stage 3, the complaint would be put to a panel comprising the Chief Executive, the Leader of the Council and a Group Leader, in the form of a Report. They would then determine whether the complaint is upheld and decide upon any appropriate remedy or change in working practice that would result.

his system is not a means by which a complainant can seek to overturn the decision of any Sub-Committee or the Standards Committee – such a right does not exist. The correspondence sent to any complainant would outline these rights.

The Standards framework is administered by the Monitoring Officer (in Herefordshire Council, the Assistant Chief Executive – Legal and Democratic). The Monitoring Officer has a number of statutory roles and those roles are fulfilled variously by members of the Legal and Democratic Services team and on occasion external providers under guidance and direction of the Monitoring Officer. Against that background, it would be inappropriate for any complaint about the process to be dealt with by a Manager either in the same directorate or elsewhere or by a Director in another directorate. A complaint about the conduct of a standards complaint is effectively a complaint about the actions of one of the Council's statutory officers or his/her staff and it is appropriate that such complaint should be dealt with at Level 3 only.

Although it will be for the Monitoring officer to process the complaint, no person, either the Monitoring Officer or any member of the team who has had any previous involvement in the Standards complaint will be involved in either investigating, writing a report, presenting or advising on the Stage 3 complaint.

At present, there is one complaint that falls to be considered by this means.

The complaint system run by the Council is currently under review and proposals for any revision will be likely to be under consideration by Senior Managers in Autumn 2009.

Community Impact

- 5 It is important that complainants realise that there is an area of redress where reports give cause for concern.

Financial Implications

- 6 None.

Legal Implications

- 7 Whilst the implementation suggested is not a legal requirement, it will assist with regard to the Ombudsman.

Risk Management

- 8 a. There are no risks in accepting this proposal.
- b. There is a risk in declining the proposal that the Ombudsman would find against the Council or the Standards Committee.

Consultees

- 9 None.

Appendices

- 10 None.

Background Papers

- Standards Board for England guidance on complaints about an investigation (“How to conduct an investigation”) p 25-6

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John Sinnott, Chief Executive, Leicestershire County Council

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Best of luck!

David Blackman
Acting Editor
Local Government Chronicle



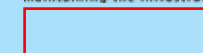
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Standards and Ethics



Entries to this award must demonstrate the contribution standards and ethics are making to local democracy and public confidence. They must show how local politicians, officers and the standards committee are working together to champion ethical standards in their authority, and how this work has made a positive difference to perceptions of local democracy and public trust in their area.

Entries must supply:

- Evidence of productive joint working between local politicians and officers, supported by the standards committee.
- Evidence of an internal and external communications work programme that promotes the value of ethical standards and the principles of public life.
- Evidence that demonstrates how high standards of conduct and ethics are central to the objectives, behaviours and culture of the authority.
- Evidence of proactive leadership of this work by senior politicians and senior officers
- Evidence of the positive difference your approach to high standards has made to the reputation of the authority and the perceptions of your local communities

General Criteria:

- Identify your principal achievements from October 2008 to September 2009
- Provide convincing evidence for your success — for example customer surveys, benchmarking
- Show how your teams' work fits into the overall objectives of the council
- Focus on the content rather than the presentation, your entry should be clearly laid out but you will not score marks for design

- Don't bog down the judges, or yourselves, by preparing reams of appendices — keep any supplementary information short, relevant and clear
- If you have been working with outside partners such as voluntary groups or companies, include their endorsement in your submission
- Don't forget the basics — the judges will be looking for proof that your team is meeting all its service obligations
- Show the judges how you provide first class customer care
- Think what makes your team a winner — show imagination, vision and enthusiasm

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