

Annual Report of Standards Committee

Lead Member – Dr Steve Bradley (Independent Chair of Standards Committee)
Report Author – Martin Jepson

Summary of Recommendation

Brings before Council the First Annual Report of the Standards Committee.

Recommendation

That the Annual Report be received.

1. Introduction

- 1.1 As part of its 2009/10 work plan the Standards Committee undertook to present a first Annual Report to Council.
- 1.2 The Report is attached and is to be presented by Dr Steve Bradley, Independent Chair of the Copeland Borough Standards Committee. Also attached to this report is the first of a series of Information Bulletins which Members of Standards Committee have asked to be presented to Council on a regular basis and which are intended to make an easy-to-read reference point for Members.

2. Conclusions

- 2.1 The work of the Standards Committee in upholding ethical standards for this Council and Copeland's Parish and Town Councils is a very important one. By producing the Annual Report we are looking to increase its profile and give a wider general appreciation for the works it carries out.
- 2.2 Council is asked to receive the report and the presentation of its Chairman. Copies of the report will also be distributed to all Parish and Town Councils.

Appendices – Annual Report
- Bulletin No1

List of Background Papers – Papers with the Council's Monitoring Officer which assisted in the compilation of the Annual Report, save for those papers relating to investigations which are statutorily exempt from publication.

ANNUAL REPORT OF THE STANDARDS COMMITTEE

COPELAND BOROUGH COUNCIL



FIRST ANNUAL REPORT 2009 – 2010



1. FOREWORD BY THE CHAIRMAN OF STANDARDS COMMITTEE

Copeland Borough Council has a Standards Committee which has been operating for several years. The Committee has been set up within the best practice guidelines provided by Standards for England, and Members of the Council are familiar with the Code of Conduct. Indeed they have been trained at induction as Councillors and have signed up to its principles. In addition to promoting high standards of behaviour throughout the council, and in the interactions with staff and public, the Committee is also responsible for receiving complaints concerning possible breaches of the Code, to investigate them, and decide on remedial actions where these are required. It is important that people put themselves forward to represent their constituents but, in undertaking such public office, there are clear expectations of behaviours etc that are set out in the Code of Conduct.

In this first Annual Report of the Standards Committee we have provided summary information on the number of, and range of, complaints that have been brought before the committee and have been investigated. The investigations by the Standards Committee have been rigorous and robust - I believe that the feedback and actions undertaken as a result of these have helped in the continual improvement in the behaviours of Members of the Council.

**Dr Steve Bradley, Chairman, Standards Committee,
Copeland Borough Council**



2. MEMBERS OF THE STANDARDS COMMITTEE

There are 12 members of Copeland Borough Council's Standards Committee.

The Chairman of the Standards Committee is an Independent Member, Dr Steve Bradley. Independent chairmanship is intended to demonstrate that the Standards Committee really is independent of the Council.

In areas with Parish Councils it is a requirement that there should be both Independent Members and Parishes representation on a Borough Councils Standards Committee. In particular, where complaints are made against Parish or Town Councillors a Parishes representative must be present.

Members of the Standards Committee are:-

INDEPENDENT MEMBERS

Dr Steve Bradley (Chairman)
Mr Anthony Payne
Mrs Patricia Routledge

PARISH MEMBERS

Mr Ranald Stewart - (Ponsonby Parish Council)
Mr Vic Chilton - (Ennerdale & Kinniside Parish Council)

COPELAND BOROUGH COUNCIL MEMBERS

Councillor Norman Clarkson
Councillor Brian Dixon
Councillor Margaret Docherty
Councillor Geoff Garrity
Councillor David Moore
Councillor Bob Salkeld
Councillor Margaret Woodburn

3. THE ROLE OF 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 Town & Parish Council members within the Borough of Copeland observe the Code of Conduct. This 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 operation of the Confidential Reporting (Whistle-Blowing) Code 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 Copeland Borough Council and Town & Parish Councillors within the Copeland Area. There is an initial assessment stage when an 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 Standards Committee will be convened to hear evidence and representations and to determine if there has been a breach of the Code of Conduct and if so what penalty is appropriate. The penalties that the Committee can impose include:-

- censuring the member
- requiring a written apology for the member.
- requiring the member needs to undergo training
- requiring the member to participate in conciliation
- imposing restrictions from the members access to local authority premises or resources for up to 6 months
- suspending, or partially or conditionally suspending the member from being a member of the Council for a period not exceeding 6 months.

More serious cases can be referred to the First Tier Tribunal (Local Government Standards in England), formally the Adjudication Panel for England which has powers to disqualify a member for up to 5 years.

4. THE STANDARDS COMMITTEE'S TERMS OF REFERENCE

The Standards Committee's Terms of Reference as set out in Copeland's Constitution is:-

- a) Promoting and maintaining high standards of conduct by the Mayor and Councillors;
- b) Assisting the Mayor and Councillors to observe the Council's Code of Conduct;
- c) Advising the Council on the adoption or revision of the Council's Code of Conduct;
- d) Monitoring the operation of the Council's Code of Conduct;
- e) Advising, training or arranging to train the Mayor and Councillors on matters relating to the Council's Code of Conduct;
- f) Granting dispensations to the Mayor and Councillors from requirements relating to interests set out in the Members' Code of Conduct, in accordance with Regulations made by the Secretary of State;
- g) Dealing with any reports from a case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer, in accordance with Regulations made by the Secretary of State;

The exercise of (a) to (g) above in relation to parish councils wholly or partly in the Borough and the members of those parish Councils;

Overseeing the Council's constitution;

Overseeing the Council's Complaints Procedure and issues relating to investigations by the Local Government Ombudsman.

5. INFORMATION ABOUT THE CODE OF CONDUCT

The Copeland Borough Council Standards Committee is responsible for processing complaints of breaches of Member Codes of Conduct against all Copeland Borough and Town and Parish Councillors in the Copeland Borough area.

The Codes of Conduct for all Councils are prescribed. Although there are minor differences between Borough and Parish Councils, the Codes of Conduct for all Councils in the Copeland area will provide for Councillors to:-

Treat others with respect;
Comply with the Equality laws;
Refrain from bullying any person including other councillors, council officers or members of the public;
Refrain from compromising the impartiality of officers of the Council;
Refrain from disclosing confidential information;
Refrain from preventing access to information;
Refrain from bringing the Councillors office or authority into disrepute;
Not use their position improperly;
Use the Council's resources in accordance with its requirements;
Use the Council's resources for proper purposes only;
Have regard to advice from the Monitoring Officer and Financial Monitoring Officer of the Council (for Borough Councils).

Under the Code of Conduct Councillors must complete and update a Register of Interests form which must be available for inspection by members of the public. The forms for both Copeland Borough Councillors and Town and Borough Councillors are held by the Copeland Borough Council Monitoring Officer at the Copeland Centre Whitehaven. All forms completed by Copeland Borough Councillors can be viewed on the Council's website at www.copelandbc.gov.uk.

At Council meetings Councillors must also declare such interests under the Code as described above together with other interests- namely where the well-being or financial position of the Councillor, members of their family, or people with whom they have a close association, is likely to be affected by the business of the authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Under the Code of Conduct Councillors must also declare a Prejudicial Interest in addition to a Personal Interest where:-

1. The matter does not fall within a range of exempt matters;
2. The matter affects the Councillor's financial interests or relates to a licensing or regulatory matter;
and
3. A member of the public, who knows the relevant facts, would reasonably think the Councillor's interest is so significant that it is likely to prejudice the Councillor's judgement of the public interest.

A complaint form can be found on the Copeland Borough Council web-site under " Ethics and Conduct" or can be obtained otherwise by contacting the Council's Monitoring Officer Martin Jepson on

01946 598515 or writing to him at the Copeland Centre, Catherine Street, Whitehaven, Cumbria, CA28 7SJ.

6. INFORMATION ABOUT COMPLAINTS RECEIVED IN 2009 – 10

During 2009 there were 12 complaints to the Standards Committee. Judging from national statistics this figure is about average.

Of the 12 complaints, 7 complaints were against Copeland Borough Councillors and 5 complaints were against Parish or Town Councillors.

8 complaints were by Borough Councillors, 3 by members of the public and 1 by a member of Copeland's staff.

In the first instance it was decided to take no further action in respect of 8 complaints, a formal investigation was requested in respect of 3 complaints and 1 complaint was referred to Standards for England. This latter complaint was subsequently returned to the Standards Committee by Standards for England and a new Assessment Sub-Committee has decided that the Monitoring Officer should arrange for an Investigation to take place

Of the 8 decisions to take no further action, the complainant asked that the Assessment Sub-Committee's decision be reconsidered in 3 cases. In all 3 cases the Review Sub-Committee upheld the Assessment Sub-Committee's decision.

Of the 4 cases referred for further investigation:-

- In one case the Standards Committee accepted that there was no breach of the Member Code of Conduct but agreed with a recommendation that a request for a formal apology be made;
- In a second case, the Investigating Officer's report has been received, recommending the Standards Committee finds there has been no breach of the Code of Conduct and this recommendation has been accepted by Standards Committee:
- In a third case the Investigating Officer's report has been received but at the time of writing a Standards committee meeting has still to be convened;
- In a fourth case, referred to above, the independent investigator's report is awaited.

The type of complaints received can be categorised as follows:-

- | | | |
|---|---|---|
| - Lack of respect/conduct bringing the Council into disrepute | - | 4 |
| - Breach of confidence | - | 1 |
| - Both of the above | - | 1 |
| - Lack of respect/conduct bringing the Council into disrepute/
breach of equality law/not declaring a prejudicial interest | - | 1 |
| - Lack of respect/conduct bringing the Council into disrepute/ | | |

	bullying	-	3
-	Failure to declare a personal interest/conduct bringing the Council into disrepute	-	1
-	Use of Council resources/conduct bringing the Council into disrepute	-	1

The total cost of the three investigations for which an invoices have been issued was £3248.30.

In the period January to March 2010 only one further complaint was received. This resulted in a request by the Assessment Sub-Committee for a formal investigation to take place. The nature of the allegation was that there had been a failure to declare a personal/ prejudicial interest.

7. INFORMATION ABOUT THE TIME TAKEN DEALING WITH COMPLAINTS

Standards for England (formerly the Standards Board for England) recommends that once a complaint is made a Council's Assessment Sub-Committee it should be considered by the Sub-Committee within 20 working days. During 2009 the average time taken for complaints to reach the Assessment Sub-Committee has been 18 working days. The role of the Assessment Sub-Committee has been referred to in Section 3 above. Where complainants are not satisfied with the decision of the Assessment Sub-Committee they are entitled to ask for the complaint to be re-considered by a Review Sub-Committee, made up of three members of the Standards Committee who have not previously had any involvement in the matter. Standards for England similarly recommend that requests for review should be considered by the Review Sub-Committee within 20 working days of a request. During 2009, the average time taken was 20 working days.

The Assessment Sub-Committee or Review Sub-Committee can decide either that no further action be taken on a complaint, that the Monitoring Officer should arrange for a formal investigation of the complaint and report back to the Standard Committee or that " some other action" be taken. This can include typically involve training or conciliation.

Following a decision by an Assessment Sub-Committee or a Review Sub-Committee to ask the Monitoring Officer to arrange for an Investigation to be made into the complaint national guidance is that consideration by the Standards Committee takes place within three months of receipt of the final report. In 2009/10 the two cases considered took an average of 6 weeks to be concluded.

8. A SUMMARY OF COMPLAINTS WHICH HAVE LED TO INVESTIGATION, SANCTION OR OTHER ACTION

In the first case it was alleged that a Councillor had treated another with disrespect and brought his office into disrepute by alleging that another member had not been a member of the Conservative Party at the time of his election. The Standards Committee found that the allegation had been incorrect. However, for technical reasons, there had been no breach of the Member Code of Conduct. Nevertheless the Standards Committee felt it appropriate to request that the Member make a formal public apology.

In the second case the Standards Committee found that there had been no breach of the Member Code of Conduct. The member complained about has a right not to have details of allegations against them published where there has been a finding of no breach. At the date of printing the member has not agreed to such details being published.

The remaining three matters have not yet been considered by the Standards Committee.

9. TRAINING AND OTHER EVENTS DURING THE YEAR

Training in Ethics and Governance issues has been offered as part of the Member Training process.

In order to increase awareness of such issues for all Members the Standards Committee has asked that a series of Guidance Notes be issued to all Copeland Borough Councillors and Parish and Town Clerks during the coming year. For the April 13th Council meeting an item on Code of Conduct requirement for "Treating others with Respect" has been prepared.

A revised Code of Conduct is expected to be published during the next few months and suitable training will be offered to both Copeland Borough and Parish and Town Councillors.

Members of the Standards Committee themselves have received training during the past 12 months. In December 2009 an Ethical Governance workshop was undertaken by an external facilitator and this helped inform the standards Committee's work-plan for the coming year. At around the same time a survey was carried out of both Copeland Councillors and officers. The survey demonstrated a need for increased awareness of the work of the Standards Committee.

10. THE WORK PLAN OF THE STANDARDS COMMITTEE

Base on the workshop referred to above members of the Standards Committee have identified the above as part of their work-plan for the coming year:-

1. Internal member awareness campaign followed by public awareness campaign-
 - a .Advising Copeland and Parish and Town Councillors;
 - b. Working with Communications Unit to increase public awareness.
2. Devise a series of single learning point broadsheets to distribute to all Councillors at Council meetings and to provide to parish and town clerks.
3. Look to acquire a specific budget for Standards Committee work from 2011/12.
4. Produce an Annual Report.
5. Continue with and firm up quarterly meetings between the Chairman of Standards Committee, the Leader of the Council and the Chief Executive.
6. Review and revise the Council's Ethics and Conduct web page.
7. Make Audit Commission assessments available to Standards Committee members and develop protocols with Audit Committee to ensure that they each complement their respective roles.
8. Devise a mechanism for measuring satisfaction levels of all involved in misconduct allegations.
9. Ensure there is a reference to Ethics in the Council's vision/objectives.
10. Develop a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership.
11. Consider a formal compact with CALC in relation to Standards.

11. USEFUL CONTACTS

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

Standards for England www.standardsforengland.gov.uk

The Audit Commission www.audit-commission.gov.uk

Department for Communities and Local Government www.communities.gov.uk

Copeland Borough Council www.copelandbc.gov.uk