



## **AGENDA ITEM: 8**

### **STANDARDS COMMITTEE**

**12 JUNE 2007**

#### **STANDARDS COMMITTEE – DRAFT ANNUAL REPORT 2006/2007**

#### **RICHARD G LONG, DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

#### **PURPOSE OF REPORT**

1. To present the draft annual report on the work of the Standards Committee during the year 2006/2007 and to highlight relevant issues for the coming year 2007/2008.

#### **BACKGROUND**

2. The Local Government Act 2000 requires Councils to establish a standards committee whose purpose is to ensure that councillors, including parish councillors, co-opted members and officers adopt high standards of behaviour. The terms of reference for Middlesbrough's Standards Committee requires the committee to submit an annual report to Council on the work conducted by the committee. The appendix to this report presents a draft of the committee's first annual report that sets out the work undertaken by the committee during the year 2006/2007 to fulfil that role and looks at some of the likely developments for the coming year.

#### **RECOMMENDATIONS**

3. The Committee is asked consider the draft Annual Report 2006/2007 and propose any further suggestions for inclusion.
4. That the Director of Legal and Democratic Services, in consultation with the Chair, be authorised to make any necessary amendments to the report prior to submission to Council.

#### **BACKGROUND PAPERS - Minutes of Standards Committees 2006/7**

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**MIDDLESBROUGH COUNCIL**

**DRAFT**

**STANDARDS COMMITTEE  
ANNUAL REPORT  
2006-2007**

The Local Government Act 2000 requires Councils to establish a standards committee whose purpose is to ensure that councillors, including parish councillors, co-opted members and officers adopt high standards of behaviour. Standards Committees are charged with ensuring that the Council has an ethical framework that promotes high standards of conduct and ensures transparency in its decision making.

This report provides a summary of activities undertaken by the committee during the year 2006/207 and looks at some of the future likely developments for the coming year.

### Forward from the Chair

This is the first annual report prepared by the Standards Committee. It provides a short summary of the range of work undertaken during the past year and provides an opportunity to reflect on those aspects of the work that may require further work and identifies a programme of further activities for the coming year.

One of the main features of the proposed schedule of work will be to conduct an ethical audit the results of which could help to inform the provision of future training and guidance. I feel sure that this aspect of the committee's role will provide a major challenge for both Members and officers for the coming year. Changes in the national framework and the adoption of the new code of conduct will also provide fresh challenges for the committee. The committee will continue to monitor compliance with the revised code.

### Membership

Chair:	Mr Geoff Fell (Independent Member)
Vice- Chair	Councillor Bernard Taylor
Elected Members:	Councillors Bob Brady, Garry Clark, Ken Hall, John Jones, Terry Ward and Maelor Williams
Independent Members:	William Anderson and Donna Middleton
Parish Council:	Councillor Ian Bruce (representing both Nunthorpe and Stainton and Thornton Parish Councils)

### Committee Terms of Reference

The functions of the Standards Committee are those set out in the following terms of reference:

- (i) To make reports or recommendations to the Council in relation to:-

The approval by the Council of local Codes of Conduct for Members and Officers, Codes of Practice, Standing Orders and Protocols, taking account of national models and guidance or case tribunals.

The implementation of local Codes of Conduct etc, and the dissemination throughout the Authority of information and guidance on their operation.

Consideration of any reports relating to the conduct of Members or officers which may be referred to it by the Council's Chair, Monitoring Officer or by the Director of Resources under section 114 of the Local Government Finance Act 1988 in consultation with the Monitoring Officer, including issues relating to Members' and officers' interests and the maintenance and management of any relevant registers of interests.

Ensuring that the highest standards of financial probity are maintained throughout the Authority, within policies set by the Council from time to time.

Consideration of relevant reports referred by the Monitoring Officer and Section 151 Officer and make recommendations thereon to the Council as necessary.

- (ii) Grant dispensations to Councillors, Co-opted Members and Parish Council Members from the requirements relating to declarations of interest as set out in the Code of Conduct.
- (iii) Consider matters referred to it by the Ethical Standards Officers.
- (iv) The investigation and determination of allegations of breaches of Members' Codes of Conduct within such statutory provisions or guidance as may exist.
- (v) To have oversight of the Constitution
- (vi) To maintain an overview of the whistle-blowing policy, complaints handling and Ombudsman investigations.
- (vii) Discharge all of the above functions required by the Local Government Act 2000 in relation to Parish Councils.  
(Middlesbrough has two Parish Councils in its area: Nunthorpe Parish Council and Stainton and Thornton Parish Council)
- (viii) Review compliance with relevant standards, codes of practice and corporate governance policies of or relating to the Council.

In relation to item (iv) above the committee has established a sub-committee to deal with complaints referred for local determination by the Standards Board for England under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

The Council's Constitution sets out further rules governing the procedures for the committee.

### Role of the Monitoring Officer

The Standards Committee is supported by the Monitoring Officer. This role rests with the Director of Legal and Democratic Services whose remit, in addition to providing legal advice to the committee, is to assist the committee to promote and maintain standards of conduct. The functions carried out by the Monitoring Officer include the requirement to report to the Council/Executive on any proposal, decision or omission by the Council, the Executive, or a committee or officer which has given or is likely to give rise to any contravention of any enactment or rule of law. The Monitoring Officer also has to deal with any allegations against Members referred to the Council by the Standards Board for England.

The committee meets quarterly and during the year 2006/2007 considered a number of issues including the following:

### Review of Members and Officers Gifts and Hospitality

The committee considered arrangements in place for both Members and officers to register and record the offer and or receipt of gifts or hospitality as required under the Code of Conduct and approved the adoption of a protocol offering advice on how those interests should be reported. The protocol required that all gifts and hospitality of £25 and over must be reported. It is also usual practice for Members to report gifts and hospitality received below that value.

### Planning Protocol – Lobbying – Declaration of Interests

The committee has considered and agreed the re-circulation of the Planning Protocol for use by all Members when dealing with planning issues, and considered in particular the rules on lobbying of Planning and Development Committee members in order to avoid any allegations or perceptions of bias, unfairness or inconsistency. Advice was also given on the need for Members to abide by the protocols for dealing with acceptance of gifts and hospitality.

### Indemnities for Members

In the light of regulations issued in 2004, the committee reviewed the Council's arrangements for indemnifying or providing alternative insurance for Members against legal costs that may be incurred by them in attending hearings, when they are the subjects of complaints or investigations.

The committee took the decision to continue with the Council's existing practice of providing cover for legal advice, and, where appropriate legal representation, although where the matters relate to criminal offences, fraud, other deliberate wrong doing or recklessness on the part of the Member, cover may not be available. Members may find that cover will not be provided where the matters relate to standards issues and the Member is found to have breached the Code and, that decision is not overturned on appeal.

## Local Government Ombudsman: Annual Letter 2005/2006

The committee received and considered the annual letter issued by the Local Government Ombudsman commenting on the Council's performance during the year 2005/2006.

## Corporate Complaints Procedures Review

The committee considered as part of a wider consultation with other stakeholders, the revised procedures for dealing with complaints received about the levels of service provided by the Council which included statutory requirements for handling of complaints in regard to adult social services and services to children.

The Council launched the new procedures on 5 February 2007.

## Unreasonably Persistent Complainants and Vexatious Complaints Policy

In line with the procedures for dealing with complaints, the committee examined the new Council policy for dealing with unreasonably persistent complainant and vexatious complaints. The policy established processes and procedures for implementation of the policy which was designed to assist officers by providing guidance on how to deal with such issues, whilst at the same time providing safeguards for complainants.

## Ombudsman Investigation Report – Failure to Declare Interests – Erimus Board

The committee received a report detailing the outcome of an investigation by the Ombudsman's office following a complaint made initially to the Standards Board England and subsequently referred to the Local Government Ombudsman. The complaint alleged maladministration by Members of the Council who had failed to register their interest in an outside body.

## Local Government White Paper: Stronger and Prosperous Communities

As part of the Government's consultation on the White Paper the committee's attention was drawn to, and views sought on, the implications for changes in the conduct regime for Members. The proposals would change the focus of the Standards Board for England to that of a more strategic regulatory body providing supervision, support and guidance to local authorities. They also proposed to transfer the majority of complaints for local investigation. The consultation document acknowledged that the transfer of responsibilities could have implications for some Monitoring Officers and their staff in being able to provide the levels of support required. Further changes proposed amended the Code of Conduct and the rules on personal/prejudicial interests to remove the current barrier to Members ability to speak as an advocate of their local community at meetings. The Council has now adopted the revised Code.

## Whistleblowing Policy

The committee has considered the operation of the Council's Whistleblowing Policy. As only one issue, currently being investigated, has been raised since adoption of

the policy in June 2000, the committee determined not to make any changes to current policy.

### Procurement – Members' Training

The committee received an update on training offered and received by Members in relation to the Council's processes and procedures for procurement of goods and services.

### Investigations and Determinations

In contrast to previous years when 12 complaints were received in 2004/5 and 24 complaints in 2005/6, only 1 complaint was made during the year to the Standards Board for England and the Board determined not to investigate.

### **Issues for 2007/2008**

There are a number of items within the 2006/2007 work programme that the Standards Committee has yet to deal with, and will be rolled over to the coming year, these include:

- CPA Outcome
- Ethical Audit
- Review of the Code of Corporate Governance – The Council adopted the Code in January 2004 a review of its effectiveness and implementation would therefore be timely
- Review of Officer Scheme of Delegation
- Member Development Strategy 2007/2008

The Standards Committee has a responsibility to ensure that members are trained in relation to their respective roles and that they understand their responsibilities in adhering to the Code of Conduct and in upholding ethical standards. To that end, a specific training session was included as part of the Member Development Programme for all new and existing Members. Members elected at other times, as a result of any bye-election, will receive similar training.

The Standards Committee will undertake its own training and have oversight of other training arranged for Members, Co-opted Members and Parish Councillors. In view of the changes in political membership following the May elections, Member training will be especially important for newly elected Members and as refresher training for returning Members. A full induction programme was arranged and delivered in the weeks following the elections.

As mentioned in paragraph 16 above, changes proposed in the Government White Paper: strong and prosperous communities, also included in the Local Government and Public Involvement in Health Bill, proposed reform of the regime for dealing with breaches of the Code of Conduct and to devolve responsibility for the majority of complaints investigations against elected Members from the Standards Board England to local authorities. As a result the Standards Committee will take steps to

improve the skills and expertise of its own members by organising training in how to conduct local hearings.

Examples of the training sessions to be provided through the induction process or throughout the year include:

- Training for Standards Committee Members (e.g. Mock Hearings)
- Training for Councillors and Co-opted Members (e.g. Planning, Licensing, Staff Appeals, Complaints and Appeals)
- Training for Councillors and Parish Councillors (e.g. Code of Conduct)

Other matters to be considered by the Committee during the year will include:

- Codes of Conduct - The committee will need to consider implementation of the revised Code of Conduct for Members and the introduction of a new statutory Code of Conduct for Employees
- Member/Officer Protocol - The guide for councillors and council staff on the way that they interact
- Review of the Code of Corporate Governance
- Review of the Constitution. In line with item (v) of the committee's terms of reference the committee will maintain oversight of the Constitution and receive any update on changes.