



STANDARDS COMMITTEE ANNUAL REPORT 2008-2009

1. Introduction

This is the Annual Report of North West Leicestershire District Council's Standards Committee and covers the period from 1st April 2008 to 31st March 2009.

2. Terms of Reference

Paragraph 7 of Part 3 of the Council's Constitution sets out the Standards Committee's Terms of Reference, as set out below:-

Membership: Five Councillors
Five Independent Members
Four Parish Councillors

Quorum: Three District Councillors and one Independent Member of the Standards Committee.

A Parish Council representative must also be present if any matters relating to parish councils are to be discussed.

The Council is required by law to appoint a Standards Committee and it has the following statutory roles and functions:-

- Promoting and maintaining high standards of conduct by Councillors and co-optees.
- Assisting the Councillors and co-optees to observe the Members' Code of Conduct.
- Advising the Council on the adoption or revision of the Members' Code of Conduct.
- To determine any issues referred to the Committee (except for any matter reserved to Council).
- Monitoring the operation of the Members' Code of Conduct.
- Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.
- Granting dispensations to Councillors from requirements relating to interests set out in the Members' Code of Conduct.
- Dealing with any reports from a Case Tribunal or Interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.
- Dealing with any case referred back from the Standards Board for England for local investigation and local determination and to operate a local filter of cases, as appropriate.
- Receiving and assessing complaints, reviewing local decisions and conducting hearings following investigation.
- To exercise the above functions for the parish councils wholly or mainly in its area and the members of those parish councils.

And, in addition, the Standards Committee also oversees the ethical framework of the Council including oversight of:-

- The Whistle Blowing Policy.
- Complaints Handling
- Ombudsman Investigations.

3. Composition

Throughout 2008/09, the Committee has comprised:

Independent Representatives

Norman Bird - Chairman

Appointed by Council 31st October 2006
Membership expires 30th October 2010

Christopher Lewis

Appointed by Council 31st October 2006
Membership expires 30th October 2010

Kirsty Morrison

Appointed by Council 31st October 2006
Resigned 10th December 2008

Linda Lambert

Appointed by Council 31st October 2006 with effect from 17th December 2006
Membership Expires 16th October 2010

Sylvia Williams

Appointed by Council 23rd September 2008
Membership Expires 22nd September 2012

John Betteridge

Appointed by Council 24th February 2009
Membership Expires 23rd February 2013

Parish Representatives

Maureen Havers

Appointed by Council 26th June 2007
Membership Expires 25th June 2011

Thomas Neilson

Appointed by Council 11th November 2008
Membership Expires 10th November 2012

Caroline Andrews

Appointed by Council 11th November 2008
Membership Expires 10th November 2012

Lavinia Mann

Appointed by Council 11th November 2008
Membership Expires 10th November 2012

District Councillors

Councillor G Allman (Deputy Chairman)

Appointed by Council 13th May 2008

Councillor J Coxon

Appointed by Council 13th May 2008

Councillor T Gillard

Appointed by Council 13th May 2008

Councillor P Holland

Appointed by Council 13th May 2008

Councillor J Legrys

Appointed by Council 13th May 2008

The main officer support for the Committee is provided by the Monitoring Officer (Elizabeth Warhurst), the Deputy Monitoring Officer (Jane Cotton), the Democratic Services Manager (Melanie Phillips) and the Senior Democratic Services Officer (Sabrina Newton).

4. Meetings and Work Programme

The Standards Committee meets a minimum of four times per annum. In addition to its scheduled meetings, the Committee still meets on an ad hoc basis in order to conduct local hearings. Its workload has increased following the introduction of local filtering of complaints in May 2008. The Committee has its main work planned in advance through a Work Programme which enables it to be more proactive, strategic and focused in its approach to key issues.

5. Reporting Arrangements

The Standards Committee receives an annual report on the work it has done over the past year. It will, with effect from 2009/10, also receive a quarterly report to enable Members to be reminded of the issues it has dealt with during each quarter and address any issues which this process may highlight.

6. Procedures and Workloads

(a) Dispensations

The Code of Conduct for Members requires that a member who has a personal and prejudicial interest in a matter must disclose the existence and nature of that interest and withdraw from the meeting when the matter is considered. Section 81 of the Local Government Act 2000 and The Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 ("the 2002 Regulations") enable members of the District Council and of the Town and Parish Councils within the district to apply in writing to the Standards Committee for dispensation to allow them to take part in the discussion of an issue in respect of which they have an interest. The 2002 Regulations require that dispensations may only be granted where failure to do so would result in the transaction of business being impeded because more than 50 per cent of members entitled to participate in the consideration of the matter would be prohibited from doing so or, in the case of the District Council only, it would not be possible to comply with the political balance requirements under Section 15(4) of the Local Government and Housing Act 1989.

During 2008/9, there has been one application made to the Standards Committee for dispensations in respect of Measham Parish Councillors. The Standards Committee agreed to grant dispensations until 2nd August 2009 to allow them to participate in discussions and decisions relating to Measham Leisure Centre Charity.

(b) Appointments

The Standards Committee Appointments Panel shortlisted four candidates for interviewing for the vacant position of Independent Member. Following the interviews and subsequent recommendation to Council, Sylvia Williams was appointed as the fifth Member of the Committee with effect from 23rd September 2008.

On 10th December 2008, a letter of resignation was received from Kirsty Morrison and her role as Independent Member of the Standards Committee was filled by John Betteridge with effect from 24th February 2009.

Four nominations were received for the three vacant positions for parish representatives on the Standards Committee. The Parishes were asked to vote for their preferred candidates and, following the postal ballot and subsequent recommendation to Council, Thomas Neilson, Caroline Andrews and Lavinia Mann were appointed to the three vacant positions on the Standards Committee with effect from 23rd September 2008.

(c) Cases Referred by Ethical Standards Officers under the Old Regime

The Local Assessment of Standards complaints came into effect on 8th May 2008 following publication of the Standards Committee (England) Regulations 2008. Accordingly after that date any complaints that an elected member had breached the Member Code of Conduct were referred to the local Standards Committee.

Prior to this, Section 66 of the Local Government Act 2000 provided for the local investigation and/or determination of cases referred to Standards Committees by Ethical Standards Officers appointed by the Standards Board for England (SBE). Under this legislation, one investigation of complaint was referred to the Monitoring Officer during 2008/9.

This related to a complaint against a Parish Councillor and a hearing was held on 2nd July 2008 where the decision was as follows:-

That the Parish Councillor's conduct did merit a sanction under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended, and consequently, the Committee concluded that it was apparent from the evidence that there was a lack of understanding by the Parish Councillor of all of the requirements of the Code of Conduct.

The Committee imposed a sanction that:

- (a) the Councillor in question undertakes one to one training on the Code of Conduct within 3 months of the date of the hearing, such training to be arranged by the Monitoring Officer.

and recommended that:

- (b) in order to reduce the risk of reoccurrence, it is strongly recommended that all Members of the Parish Council and the Parish Clerk undertake similar training on the Code of Conduct within 6 months of the date of the hearing, such training to be arranged by the Monitoring Officer.

The one to one training by the Deputy Monitoring Officer took place on 15th September 2008 and the training for all Members and the Clerk of Castle Donington by the Monitoring Officer and the Deputy Monitoring Officer took place on 20th November 2008.

(d) Complaints made to the Monitoring Officer

There were seven complaints referred to the Monitoring Officer and the details are set out below:-

Complaints made:-

| | |
|--------------------------|---|
| by Members of the Public | 4 |
| by Parish Councillors | 2 |
| by District Councillors | 1 |

Complaints against:-

| | |
|-------------------------------|---|
| a Parish Councillor | 6 |
| against a District Councillor | 1 |

In all these instances, the complaint was not able to be resolved by utilising the informal Conflict Resolution Procedure which was agreed by the Standards Committee at its meeting on 1st April 2008 and endorsed by Council on 13th May 2008.

(e) Complaints referred to the Standards Committee

All of the above-mentioned complaints were referred to the Standards Assessment Sub-Committee. In all but one case, the matter was referred for further investigation.

No appeals were made to the Standards Review Sub-Committee.

On 12th February 2009 the Standards Committee Consideration Sub-committee met to consider the report of the Investigating Officer into the complaints. The Investigating Officer concluded that in relation to all but one of the complaints, there had been no breach of the Code of Conduct and the Consideration Sub-committee agreed with this finding. One complaint was referred to the Hearing Sub-committee.

On 12th February 2009, a hearing was held and the Hearing Sub-Committee imposed a number of sanctions against an individual Parish Councillor. It also made a number of recommendations regarding the operation of the Parish Council. The Monitoring Officer wrote to the Parish Council setting out the recommendations and offered advice and assistance, as appropriate.

The outcome of the Hearing Sub Committee was confirmed in the local press.

(f) Members' Register of Interests

The Senior Democratic Services Officer has undertaken a half-yearly check of the Register of Members' Interests and a reminder has been sent to all Members asking them to update their entries. She has also been providing advice and assistance to Parish Councils on the completion of the Registers.

(g) Training

Training on the new Local Assessment of Standards complaints which came into effect on 8th May 2008, was provided on 11th June 2008. Further training was also provided by the Monitoring Officer on the statutory roles and additional responsibilities for the Standards Committee on 19th October 2008.

Training was also provided on 15th September and 20th November 2008 as a result of the sanctions imposed by the Committee in relation to an investigation. See paragraph 6 (c)

The training in relation to the sanctions imposed by the Sub-Committee referred to in paragraph 6(e) took place on 23rd March 2009.

The Monitoring Officer submitted a report to a meeting of the Member Development Working Party held on 15th October 2008. The Working Party agreed to consider the training needs of the Standards Committee within their remit. The Chairman of the Standards Committee is to be invited to attend the Working Party annually to discuss the Committee's needs and development issues. The Senior Democratic Services Officer will ensure that Members of the Standards Committee are invited to attend training sessions provided to Members of the Council.

(h) Parish Toolkit

A toolkit for all Parish Councillors to assist them in their role was sent out during July 2008.

(i) Annual Conference of the Standards Board for England

The Chairman and the Monitoring Officer attended the Annual Conference of the Standards Board for England held in Birmingham during October 2008 and updated the Committee on the issues discussed.

(j) Parish Liaison

The first Parish Liaison meeting was held on 25th September 2008 and a subsequent meeting was held on 17th March 2009. From a District Council perspective, we would like to develop closer working relationships between the District Council and Parish Councils through the Parish Clerks enabling each to share good practice, learning and development opportunities. The meeting's remit is specifically related to Monitoring Officer issues, including advice and training on the Code of Conduct and the administration of parish/town council meetings. The meetings are relatively informal to encourage attendance, participation and learning and are held at least twice a year.

(k) Publicity and Profile

Member Services have created a web page which includes links to the Standards Board for England, details on the role of the Standards Committee, information on and a form in relation to making complaints and the role of the Monitoring Officer.

Briefings are held between the Chairman of the Standards Committee, the Chief Executive and the Deputy Leader of the Council. The Chief Executive and the Deputy Leader of the Council attended the meeting of the Committee held on 9th April 2009.

An article was published in the local Vision publication on the new complaints process to highlight the changes which became effective on 8th May 2008.

7. Policies & Procedures

During the course of the year, the Monitoring Officer has reviewed the Whistle Blowing Policy and proposed amendments were brought before the Committee for consideration.

The Standards Committee is tasked with overseeing a number of Governance Policies, namely:-

- Local Code of Corporate Governance
- Whistle blowing
- Regulation of Investigatory Powers Act
- Anti-Fraud & Corruption Policy
- Internet Use

- Money Laundering
- Risk Management Strategy

These will be submitted to the Standards Committee before going to Cabinet early next year.

8. 2009/10

Over the coming year the Standards Committee will be further developed and will see the introduction of the quarterly report, as referred to in paragraph 5. The areas of work surrounding Member Development, Parish Liaison and the development of ethical indicators will also be enhanced in order to ensure that North West Leicestershire District Council continues to have a good record in ensuring high standards of conduct and to promote, maintain and enhance those standards.

9. Chairman's Comments

This year proved to be a busy and significant year for the Standards Committee which faced, for the first time, the challenges of handling the initial assessment of allegations and making decisions about whether they involved potential breaches of the Code of Conduct and if so, deciding how they ought to be dealt with.

This role has inevitably given the Standards Committee more visibility. This is important if our role is to be understood locally and this annual report is part of the engagement process.

I would like to thank all members of the Committee for the open and constructive discussions at the meetings and hearings which have been carried out in a positive manner. I would also like to convey my thanks to the officers of the Council who have helped support the work of the Committee.

Norman Bird
Chairman

OUR VISION

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

**Legal and Democratic Services,
North West Leicestershire District Council,
Council Offices, Whitwick Road, Coalville,
Leicestershire, LE67 3FJ.**

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