



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY 24TH MARCH 2010, AT 4.00 P.M.

CONFERENCE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

SUPPLEMENTARY PAPERS 1

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

4. Monitoring Officer's Report (to follow) (Pages 1 - 44)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

19th March 2010

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

24TH MARCH 2010

MONITORING OFFICER'S REPORT

Responsible Portfolio Holder	Councillor Geoff Denaro
Responsible Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Non-Key Decision	

1. SUMMARY

- 1.1 The Standards Committee has requested the Monitoring Officer to report to each meeting of the Standards Committee on a number of items, and this report sets out the latest position in relation to key items.
- 1.2 Any further updates will be reported orally at the meeting.

2. RECOMMENDATION

It is recommended:

- 2.1 that the Committee consider the proposed recommendation to the Monitoring Officer detailed at paragraph 3.8 of this report; and
- 2.2 that the Committee note the remainder of the report and comment on any aspects of this as appropriate.

3. BACKGROUND

Member Investigations and Associated Matters

- 3.1 On 3rd February 2010 a final determination hearing of the Standards Committee took place in relation to Complaint Reference 14/08 (minutes and full written decision at Agenda Item 3 refer). The Committee found that the Subject Member, Councillor Dale Carter of Catshill and North Marlbrook Parish Council, failed to follow the Code of Conduct by being in breach of Part 3 paragraph 13(1) in that he had not provided the Monitoring Officer with the Members' Register of Interests Form within the required 28 day period.
- 3.2 The sanction imposed by the Committee was that Councillor Carter be suspended for a period not exceeding 2 months, effective from 10th February 2010 to 9th April 2010, provided that the suspension would cease to take effect prior to 9th April 2010 upon receipt of a suitable letter of

apology from Councillor Carter, as approved by the Chairman of the Committee in consultation with the Monitoring Officer.

- 3.3 On 11th February 2010 the Monitoring Officer received notification from the Clerk to Catshill and North Marlbrook Parish Council that Dale Carter had submitted his resignation from the Parish Council.
- 3.4 On 24th February 2010 the Standards Committee considered the Investigating Officer's Final Report into Complaint References 03/09 and 04/09 (minutes at Agenda Item 3 refer). The Committee accepted the Investigating Officer's finding of no failure ("a finding of acceptance") in relation to the allegations made against Councillor Peter McDonald.

Complaints for Local Assessment

- 3.5 Since consideration of the last Monitoring Officer's Report on 3rd February 2010 a further 16 complaints have been received (against 9 separate Subject Members and for which 10 of the complaints related to the same matter). All of the complaints have been assessed by the Standards Assessment Sub-Committee [B]. In 10 of the cases the Sub-Committee determined that no further action should be taken and in 6 cases it was agreed that the complaints be referred to Standards for England for investigation. A table showing the cumulative complaint totals since the introduction of local assessment is attached at Appendix 1 to this report.
- 3.6 The Committee is asked to note that the details of only those complaints which have been assessed by the relevant Assessment Sub-Committee are included in this report. Any complaints or other matters (for example, matters referred back to the Assessment Sub-Committee by the Monitoring Officer under Regulation 16 of the Standards Committee (England) Regulation 2008) which are pending assessment are not included as the Subject Member(s) involved are not made aware of such matters until after the assessment stage.

Issues arising as a result of assessment decisions

- 3.7 Members' recent experience of assessing a number of complaints which involved listening to tape recordings of meetings held in the Council meeting rooms and of observing public meetings has raised two issues:
- (i) firstly, it is apparent that some Members do not speak clearly into the microphones or do not remember to switch on their microphone in the Council Chamber; and
 - (ii) secondly, the audio system is not entirely satisfactory.
- 3.8 The Committee is therefore asked to consider recommending to the Monitoring Officer:
- (i) that she be requested to consider the extent to which Member training on the use of the microphones would be beneficial, to assist both members of the public who are observing Council meetings and members of the Standards Committee who may be required to listen to tape recordings as part of the complaints process;

- (ii) on completion of (i) above, she make the necessary arrangements for any required Member training to be carried out as soon as possible; and
- (iii) that she requests the management team to consider upgrading the audio system in the Council meeting rooms.

Member Training

3.9 Members are advised of the following training matters:

- (i) gender awareness training sessions, delivered by the Equalities Officer, were conducted for elected Members over a series of sessions;
- (ii) planning enforcement training was delivered as a compulsory element to members of the planning committee, with other councillors also being invited to attend the training;
- (iii) a session on climate change was delivered to Members;
- (iv) Kimara Sharpe, new Independent Member on the Standards Committee, received the mandatory standards training with the Monitoring Officer's team;
- (v) training which was due to take place on 1st March 2010 for district and parish councillors on the new Members' Code of conduct was postponed following confirmation that the new Code would not be laid before Parliament until after the general election. A revised date for the training will be established as soon as the new Code has materialized; and
- (vi) Members' attention is drawn to paragraph 3.10 below regarding Ombudsman training and paragraph 3.12 (i) for parish council training.

Ombudsman training

3.10 The Deputy Ombudsman David Pollard and his colleague Brian Miles (both based at Local Government Ombudsman ("LGO") Coventry Office) gave a training session for Members on Monday 10th January 2010. The session was in two parts. In the first part Members were taken through last year's LGO annual report for Bromsgrove District Council. The second part focused on planning issues in relation to the decision making role of Members at planning committee and common pitfalls that Members who sit on planning committee may encounter. The session was well delivered and the speakers were able to draw on their experience of investigating complaints and gave examples that Members could relate to. The session included looking at the final outcomes of some of the recently decided cases for Bromsgrove which Members found useful. Key messages to Members focused on the need to act with care when going against officer recommendations at Planning Committee and for any such decisions to be backed up by detailed reasons. The majority of the Members on Planning Committee were in attendance and overall feedback on the training was very positive. The Deputy Ombudsman has indicated that he would be willing to arrange similar training events for Members in the future.

New Code of Conduct

3.11 As highlighted under paragraph 3.9 (v) above, the new Code of Conduct will not be laid during the current Parliamentary session. Communities for Local

Government have advised that the Government is concentrating on financial instruments, meaning there will not be Parliamentary time available for the Code. In practice this means that a new Code will not now be laid until after a general election.

Parish Council matters

3.12 In addition to the resignation of the parish councillor referred to at paragraph 3.3 above, Members' attention is drawn to the following parish matters:

(i) Training

On 28th January 2010 the Monitoring Officer and Deputy Monitoring Officer attended Catshill and North Marlbrook Parish Council to provide training on Members' interests.

(ii) Notifications to parish and town councils concerning complaints about their Members and the Standards Committee (England) Regulations 2008

A link to guidance on this produced by Standards for England can be found at agenda item 8 (iii) - Publications. This issue was discussed by the Committee at its meetings in May and July 2009, when the Committee agreed that it would be useful for parish clerks/executive officers to have an agreed procedure to follow when receiving a complaint against one of their Members. Discussions were, at that time, taking place with the Worcestershire County Association of Local Councils ("CALC") on the possible adoption of a county-wide approach which was being developed by Wychavon District Council and the Worcestershire CALC. Wychavon District Council's Standards Committee was due to consider the matter, following which it was anticipated other councils within the district would be invited to adopt any agreed procedure.

(iii) Parish Councils' Representatives Update

An oral update on any other matters of relevance to the Committee, including issues arising from the recent meeting(s) of the Bromsgrove Area Committee of the Worcestershire CALC, will be provided by the Parish Councils' Representatives on the Committee at agenda item 5.

Independent Members on the Standards Committee

(i) Resignation of Debbie Roberts

Debbie Roberts, who joined the Standards Committee as an Independent Member in November 2008 and was appointed Vice-Chairman of the Committee in October 2009, has regrettably tendered her resignation from the Committee, effective 24th February 2010, owing to work commitments. A letter from Ms. Roberts is attached at Appendix 2.

(ii) Appointment of Gillian Bell

As a consequence of Ms. Roberts' resignation, and in view of the recruitment process which had been undertaken earlier in the year and which resulted in Kimara Sharpe's appointment to the Committee,

advice was sought from Standards for England who confirmed that it would be acceptable to fill the vacancy from one of the candidates who were interviewed by the Appointments Committee in January 2010.

Accordingly, at its meeting on 9th March 2010 the Appointments Committee agreed to recommend the appointment of Gillian Bell, one of the candidates interviewed in January and who had met the selection criteria. The recommendation was approved by full Council at its meeting on 17th March 2010 and Ms. Bell has therefore been appointed to serve as an Independent Member on the Standards Committee for a four-year term of office expiring 17th March 2014.

(iii) Appointment of Committee Vice-Chairman

In view of the recent appointments of both Ms. Sharpe and Ms. Bell no appointment to the role of Vice-Chairman of the Committee will be made until the first meeting of the Standards Committee of the 2010/11 Municipal Year on 19th May 2010. In the interim, both Ms. Sharpe and Ms. Bell, as duly appointed Independent Members on the Committee, are eligible to chair any meetings of the Standards Committee or its sub-committees should this be required.

Standards for England - Annual Return 2010

3.13 Each year local authorities are required to complete an Annual Return to Standards for England ("SfE"). Quarterly Returns are also completed in relation to work carried out on individual complaints.

The focus of last year's Annual Return was to tease out a narrative of the activities undertaken by standards committees in the first year of the new local framework. Many questions were left open so authorities had the freedom to provide SfE with as much information as was felt necessary.

Members will recall that following completion of the 2009 Annual Return the Council was selected as one of five councils nationally which had demonstrated good practice in the field of standards work since the introduction of the new local framework. As a consequence of this a case study on Bromsgrove District Council featured in SfE's Annual Review 2008-09.

The submission window dates for completion, by the Council's Ethical Standards Officer, of the 2010 Annual Return is Thursday 1st April to Friday 16th April 2010. Significant changes have been made to the questions which are included in this year's Annual Return. As with last year, the information provided by local authorities will feed into SfE's Annual Review and responses will be shared with the Audit Commission to help inform their organisational "Use of resources, Key Line of Enquiry" assessment.

A copy of the questions in this year's Annual Return, together with guidance produced by SfE to assist authorities in preparing their responses to these,

are attached at appendices 3 and 4. Members are asked to consider these and to highlight any particular issues they might have in this regard.

Standards for England - Annual Assembly of Standards Committees

- 3.14 Members' attention is drawn to Standards for England's 2010 Annual Assembly of Standards Committees, 'A place for standards', which is taking place on Monday 18th and Tuesday 19th October 2010 at the International Convention Centre, Birmingham, at a cost per delegate of £230 plus VAT for one day attendance and £430 plus VAT for full conference attendance. Details of the event are attached at Appendix 5. Any members of the Committee wishing to attend this event are asked to contact the Monitoring Officer to register their interest for this.

4. FINANCIAL IMPLICATIONS

None

5. LEGAL IMPLICATIONS

The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. Further details have been provided by the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. The local assessment regime was introduced by the LGPIHA 2007, and further expanded in the Standards Committee (England) Regulations 2008 which also set out the rules and procedures governing the investigation and determination of complaints.

6. COUNCIL OBJECTIVES

This item does not link directly with any Council objectives.

7. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 7.1 The main risk associated with the details included in this report is:

- *Risk of challenge to Council decisions; and*
- *Risk of complaints about elected members.*

- 7.2 These risks are being managed as follows:

- Risk Register: *Legal, Equalities and Democratic Services*
Key Objective Ref No: 3
Key Objective: *Effective ethical governance*

8. CUSTOMER IMPLICATIONS

None

9. EQUALITIES AND DIVERSITY IMPLICATIONS

None

10. VALUE FOR MONEY IMPLICATIONS

None

11. CLIMATE CHANGE AND CARBON IMPLICATIONS

None

12. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

13. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director - Partnerships and Projects	N/A
Executive Director - Services	N/A
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No

Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	N/A
Corporate Procurement Team	No

14. WARDS AFFECTED

All wards

15. APPENDICES

- Appendix 1 - Local Assessment Statistics
- Appendix 2 - Letter from Debbie Roberts dated 24th February 2010
- Appendix 3 - Standards for England Annual Return 2010 - questions
- Appendix 4 - Standards for England Annual Return 2010 - guidance notes
- Appendix 5 - Standards for England 2010 Annual Assembly of Standards Committees

16. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Claire Felton
E Mail: c.felton@bromsgrove.gov.uk
Tel: (01527) 881429

Local Assessment Statistics

Appendix 1

Period ¹	Number of complaints assessed	Reviews conducted	No further action	Referred for other action	Referred for local investigation	Joint referred for local investigation / no further action	Joint no further action / referred for other action	Referred to Standards for England for investigation	Final determinations
Total	123²	15³	33³	3³⁺⁴	72⁵	3	1	11⁶	1⁵

Nature of complaints	Number of complaints
Register of Members' Interests (failure to declare in full/failure to complete and return within required 28 days of adoption of the Code of Conduct)	2
Failure to treat others with respect	1
Acted in a manner which brought office/the Council into disrepute	4
Bullying / intimidation of Council officers	2
Combined brought office into disrepute / improper use of position / prevention of access to information to which a person is entitled by law	1
General inappropriate behaviour relating to actions at a meeting of the Council's Planning Committee	5
Inappropriate articles appearing in Parish Council newsletter	2
Disclosure of confidential information	2
Inappropriate remarks about another elected Member in local press	1
Various matters relating to inappropriate behaviour during meeting of the Full Council	87
Failure to declare prejudicial interest	5
Combined failure to declare prejudicial interest / failure to treat others with respect / brought Council into disrepute / improper use of position	1
Combined failure to failure treat others with respect / brought Council into disrepute / general inappropriate behaviour during a meeting of the Joint Overview and Scrutiny Board	10

- ¹ The statistics detailed cover the period since the introduction of local assessment in May 2008 to 19th March 2010 (the date of preparation of this report).
- ² In 1 case the Monitoring Officer has used her discretion under Regulation 16(1)(a)(ii) of the Standards Committee (England) Regulations 2008 to refer a matter back to the Assessment Sub-Committee for reconsideration. This has been counted as 1 complaint for statistical purposes.
- ³ Of the 15 reviews conducted to date 13 have resulted in a decision of no further action with 2 matters being referred to the Monitoring Officer for other action.
- ⁴ Other action has been completed by one Subject Member and is currently due for completion by the Monitoring Officer on 2 parish-related matters.
- ⁵ The final determination of 1 of the complaints referred for local investigation has taken place. This resulted in a 2-month suspension, such suspension to cease on receipt of a suitable written apology from the Subject Member. Two further (related) complaints did not progress past the consideration meeting stage as the Standards Committee accepted the Investigating Officer's finding of no failure by the Subject Member to follow the Code of Conduct. All remaining investigations have yet to be concluded.
- Of the 11 cases referred to Standards for England for investigation 5 have so far been accepted for investigation. The 5 investigations into these have been completed and in each case it was the Ethical Standards Officer's finding that there had been no failure on the part of the Subject Member to follow the Code of Conduct. Confirmation is currently awaited from Standards for England as to its acceptance of the remaining 6 cases.

Appendix 2

Claire Felton
Head of Legal, Equalities and Democratic Services,
Bromsgrove District Council ,
Burcot lane,
Bromsgrove
B60 1PQ.

11, Corbett Close,
Aston Fields,
Bromsgrove,
B60 2EG

24TH February 2010

Dear Claire ,

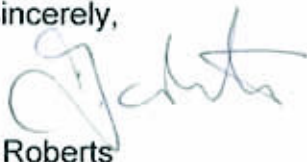
After very careful thought and consideration I'm afraid I am tendering my resignation as independent member of the Standards Committee.

Recently my work commitments have become increasingly demanding which has meant that I have had to make some difficult decisions.

I have really enjoyed my time as an independent member of the Standards Committee; I have found this time both rewarding and informative. I would not like to be in a situation where I was unable to fulfil my commitments to the role as I feel the work being undertaken by the committee is of a very high standard and well respected.

I would like to say a very big thank you to you and your team for all the support and encouragement I have received and could you also please pass my thanks on to Noel and the other members of the committee.

Yours sincerely,



Debbie Roberts

This page is intentionally left blank

Annual Return

2010

This document is a list of the questions you will be asked in our 2010 Annual Return. The Annual Return will be an online form, accessible via our website. When we launch the online version you will be able to use the same login details that you use when accessing the quarterly return.

We have provided you with the questions early so that you can prepare in advance of the submission window, which will be either late March or early April 2010. An announcement containing the exact details of this will be made at a later date.

This will hopefully give you the opportunity to discuss the questions with your standards committee and other parties as necessary.

For those of you who completed last year's annual return, you will notice that only a handful of the questions are the same. We have made some significant changes to enable us to gather new information about how the local standards framework is functioning. There are 5 sections this year, communication, influence, training and support, investigations and a section only for authorities with parishes.

As with last year, the information you give us will feed into our Annual Review and we will be looking for items of notable practice to share with the standards community. We will once again be sharing your responses with the Audit Commission, to help inform their organisational "Use of Resources, Key Line of Enquiry" assessment.

When considering the questions, please refer to the guidance notes, as they will give you more details about the question and how to answer it.

If you are unsure about anything in this document, please contact our monitoring team on 0161 817 5300 or by emailing authorityreturns@standardsforengland.gov.uk.

PART 1: COMMUNICATION

The main roles of a standards committee are:

- to promote and maintain high standards of conduct by members
- to assist members in observing the Code of Conduct.

Your responses to this section will help us to collect examples of the different ways that standards committees communicate messages about ethical standards, both within the authority and to the wider public.

Annual Report

1) Does the standards committee produce an annual report?

YES/NO. If yes go to q2. If no go to q4

2) What does the report contain?

- A personal statement by the standards committee chairman
- Information about the members of the standards committee
- The role of the standards committee
- The standards committee terms of reference
- Information about the Code of Conduct
- Statistical information about complaints that have been received
- Information about the length of time taken dealing with complaints
- A summary of complaints which have led to investigation, sanction or other action
- Details about training/events provided
- The forward work plan of the standards committee
- Other (*You will be asked for more details if selected*)

3) How is the standards committee annual report circulated?

Note: If your return is not on the website please forward a copy to us. See the guidance notes for details.

- Sent to all senior officers
- Sent to all members
- Sent to parish/town councils (This is only displayed if your authority is applicable)
- Available on the authority intranet
- Available as a specific item on the authority website (You will be asked for the website address if selected)
- Available in the standards committee papers published on the authority website (You will be asked for the website address if selected)
- Included as a full authority meeting agenda item
- Publicised in local newspaper / press release
- Distributed to households
- Available at authority offices
- Not circulated outside of the standards committee
- Other (You will be asked for more details if selected)

Publicising Complaints

4) How can the public access information about how to make a complaint against a member?

- Through a 'compliments and complaints' type section of the council website (You will be asked for the website address if selected)
- Through the standards committee section of the website (You will be asked for the website address if selected)
- Complaints leaflets available from the authority
- Included as part of a council newsletter
- Advertised through parish councils
- Information is not available to the public
- Other (You will be asked for more details if selected)

5) How can the public access information about the outcome of initial assessment decisions?

- Written summary available for public inspection
- Press release issued for all initial assessment decisions
- Press release issued only if the subject member agrees
- Assessment decisions published on the authority website
- Articles published in the authority newsletter
- Other (You will be asked for more details if selected)

6) How can the public access information about the outcome of investigations?

- Hearings are open to the public
- Press release issued for all investigation outcomes
- Press release issued only if the subject member agrees
- Published on the authority website
- Decision notices are available for public inspection
- Articles in the authority newsletter
- Other (You will be asked for more details if selected)

7) Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant and witnesses.

YES/NO. If yes go to q8. If no go to q9

8) If yes, please can you describe the process?

Open question

Communicating the role and work of the standards committee and standards generally

- 9) **What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?**
- Dedicated standards committee pages on intranet
 - Standards committee has its own newsletter / bulletin
 - Standards committee issues briefing notes
 - Articles in employee newsletter / bulletin
 - Standards committee independent members **observe** other authority meetings
 - Standards committee independent members **contribute** to other authority meetings (*a box will appear to ask for further details about what kind of contribution*)
 - Other (*you will be asked for more details if selected*)
- 10) **How can the public access information about your standards committee?**
- Dedicated standards committee section on the authority website (*you will be asked for the website address if selected*)
 - Within 'council and democracy' type section of website (*you will be asked for the website address if selected*)
 - Ethical standards issues have been included in the local press / media
 - Standards committee minutes, agendas, and reports are available to the public
 - Leaflets and/or posters are placed in public buildings
 - Places articles in the authority newsletter / bulletin / other publication
 - Standards committee meetings are observed by members of the public
 - Information is not available to the public
 - Other (*you will be asked for more details if selected*)
- 11) **What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?**

Open question

PART 2: INFLUENCE

A key factor in creating a strong ethical framework in authorities is clear ethical leadership from leaders and chief executives, setting the tone for the rest of the organisation.

Your responses to this section will help us to understand how closely your standards committee works with political and officer leadership in the authority, and the ways in which the leadership encourages strong ethical standards.

12) How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

- Formal meetings between standards committee members and senior figures specifically set up to discuss standards
- Informal discussion on particular standards issues
- Senior figure attendance at standards committee meetings
- Monitoring Officer is a member of or attends Corporate Management Team (or equivalent) meetings
- Executive or senior member has portfolio responsibility for standards
- Chair (or other standards committee member) addresses full authority meeting(s)
- Other (*you will be asked for more details if selected*)

13) How do the senior figures in your authority demonstrate strong ethical values?

- Through a strongly promoted whistle-blowing policy
- By ensuring there are references to ethics in the authority vision / objectives
- Demonstrating appropriate behaviours
- Senior figure(s) makes personal commitment to standards in statements to public/employees
- Other (*you will be asked for more details if selected*)

14) Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

YES/NO

15) What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

- Informal discussion/mediation
- Monitoring Officer mediation
- Chair of standards committee mediation
- Senior figure mediation (e.g. Chief Executive)
- Advice from Human Resources department
- Solicitor / legal adviser consulted
- Informal hearing
- No mechanisms other than normal complaints process
- Other (*you will be asked for more details if selected*)

PART 3: TRAINING AND SUPPORT

A specific function of a standards committee is to train members on The Code of Conduct, or arrange for such training. A standards committee can also arrange training on the local standards framework. Your responses to this section will help us to form a view about what the most common topics and methods of training are so that we can share them with the rest of the standards community.

16) Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members in relation to their responsibilities on standards of conduct?

YES/NO. If yes, go to q18. If no, go to q17

17) If no, please give your reasons why?

Open question. Go to q19

18) If yes, what needs were identified?

- Introduction to the Code of Conduct
- Elements of the Code of Conduct
- The role and responsibilities of the standards committee
- Ethical governance/behaviour
- None

19) What training/support was provided during the period 1 April 2009 to 31 March 2010?

- Introduction to the Code of Conduct
- Elements of the Code of Conduct
- Role and responsibilities of the standards committee
- Ethical governance/behaviour
- Other (You will be asked for more details if selected)
- None (go to q25)

20) Who received training/support?

- Standards committee chair
- Independent members
- Other standards committee members
- All authority members
- Specific authority members with particular needs (e.g. new members, planning committee members)
- Other (*you will be asked for more details if selected*)

21) What methods were employed to give training/support?

- Internal training (presentations/seminars/workshops)
- External trainer/speaker
- One on one training
- Joint/regional training event
- Online learning
- Guidance notes/briefing materials
- Standards for England materials
- Ethical governance toolkit
- Other (*you will be asked for more details if selected*)

22) In which areas of the Code of Conduct has training/support been provided?
(*Only displayed if 'elements of the Code of Conduct' is selected at q19*)

- Respect
- Personal/Prejudicial Interests
- Use of resources
- Bullying
- Disrepute
- Predisposition, Pre-determination and bias
- Equality
- Confidentiality
- Other (*you will be asked for more details if selected*)

23) What other training/support has been provided on areas of an authority member's role or activities they may engage in?

- Chairing skills
- Lobbying
- Predetermination, Predisposition and bias
- Blogging and/or the use of social media
- Electioneering
- Freedom of Information (FOI)
- Other (*you will be asked for more details if selected*)
- None

24) In general, how well attending was the training provided?

- 75% or more of those invited
- 50-75%
- 25-50%
- 0-25%

25) Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?

Open question

26) In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members? Please tick all that apply. (*Only displayed if 'role and responsibilities of the standards committee' is selected at q19*)

- Initial assessments
- Other action/mediation
- Reviews
- Investigations
- Hearings
- Sanctions
- Other (*you will be asked for more details if selected*)

PART 4: INVESTIGATIONS

27) How many investigations have been conducted during the period 1 April 2009 – 31 March 2010?

Enter number

If the answer is '0', go to q33 (only if your authority is parished). If you do not have parished you will have completed the questions.

If the answer is '1' or more go to q28

28) Of the investigations completed during the period, for how many have external investigators been used?

NOTE: This includes employees of other authorities

Enter number

29) Overall, what was your principle reason for out-sourcing the investigation(s)? (*Only appears the number given in question 28 is more than 0*)

- Impartiality
- Lack of staff resources
- To complete the investigation sooner
- Skills required
- Cost
- Other (*you will be asked for more details if selected*)

30) What type of external investigator(s) did you use?

- Employee of another authority
- Self-employed investigator
- Private law firm
- Other (*you will be asked for more details if selected*)

31) For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s)?

Open question (for an amount)

32) Please provide a brief overview of the processes you have in place to ensure the quality of local investigations.

Open question

PART 5: RELATIONSHIPS WITH PARISH AND TOWN COUNCILS

(You will only be asked these questions if your authority has parishes)

We recognise the value of the vital role parish councillors play in representing their communities. Your responses to this section will help us to build a clearer picture of the level of support and communication between principle and parish/town councils.

33) Has your authority provided training for parish councillors during the period 1 April 2009 to 31 March 2010?

YES/NO. If yes go to q34. If no go to q37

34) If yes, what topics did the training cover?

- Freedom of Information (FOI)
- Confidential information
- Planning
- Lobbying
- Dual-hatted members
- The Code of Conduct generally
- Personal and prejudicial interests
- Bullying
- Other (*you will be asked for more details if selected*)

35) What methods were employed to give training/support?

- Internal training (presentations/seminars/workshops)
- External speakers
- One on one training
- Joint/regional event
- Guidance notes/briefing materials
- Standards for England's materials
- CALC speakers
- Part of wider parish liaison meeting

Other (*you will be asked for more details if selected*)

36) In general, how well attended was the training for parish councillors?

- 75% or more of those invited
- 50-75% of those invited
- 25-50%
- 0-25%

37) Has your authority provided training for parish clerks during the period 1 April 2009 – 31 March 2010?

YES/NO If yes got to q38. If no go to q41

38) What topics did the training for parish clerks cover?

- Freedom of Information (FOI)
- Working with confidential information
- Planning
- Lobbying
- Dual-hatted members
- The Code of Conduct generally
- Personal and prejudicial interests
- Bullying
- Other (*you will be asked for more details if selected*)

39) If yes, what methods were employed to give training/support to parish clerks?

- One on one training
- Internal training (presentations/seminars/workshops)
- External speakers
- Guidance notes/briefing materials
- Standards for England's materials
- Joint authority/regional event
- Other (*you will be asked for more details if selected*)

40) In general, how well attended was the training for parish clerks?

- 75% or more of those invited
- 50-75% of those invited
- 25-50%
- 0-25%

41) Does your council have a COMPACT (a formal agreement with your county Association of Local Councils about supporting standards for parish and town councils in the area)?

YES/NO

42) Describe the relationship between your authority and your County Association of Local Councils in relation to standards. For example, how regularly do you interact with them? Are you involved in delivering joint training?

Open question

43) Standards for England and Teesside University are currently researching the role of the Parish Liaison Officer. Teesside University have created a brief questionnaire to assess the organisational background, functions and skills needed to carry out the Parish Liaison role. Does your authority have a Parish Liaison Officer?

YES/NO/No but there is someone who fulfils the same functions

If yes or someone who fulfils the same functions go to q44. If no go to q45

44) Does the Parish Liaison Officer (or the person who fulfils the same functions) consent for the University of Teesside to contact them to complete a brief questionnaire about their role?

YES/NO If yes you will be asked the details below. If no go to q45.

If yes, please provide contact details (where there are multiple Parish Liaison Officers, just provide one contact):

Name:

Contact address:

Contact phone:

Email address:

45) What steps have you taken when dealing with parishes which have had problems with standards issues? For example, what preventative or capacity building work have you done with parishes?

Open question

46) Which of the following areas would you like Standards for England to produce additional guidance on to support your work with parishes?

- Lobbying
- Predetermination and bias
- Planning and interests
- Dual-hatted members
- Other (*you will be asked for more details if selected*)

Annual Return 2010 - Guidance notes

INTRODUCTION

These guidance notes have been produced to assist you in preparing your answers to the questions in our annual return for 2010.

All of the questions are included in these notes, and we have provided additional information where we think there may be an element of a question that is not entirely straightforward. For example, we have provided further explanation where a question uses a term or phrase that is specific to the standards community but may not be universally understood by everyone who comes into contact with the annual return.

Our additional information also includes more detail about the questions and about the types of answers we expect, and reasoning behind the inclusion of particular questions.

PART 1: COMMUNICATION

Annual Report

1) Does the standards committee produce an annual report?

Last year's annual return showed that 59% of standards committees produced an annual report. We are interested in finding out if this figure has changed.

2) What does the report contain?

You will not need to answer this question if you have indicated that the standards committee does not produce a report.

For those that answer "yes" to question 1, we have provided a list of some of the common elements we found when reviewing a number of standards committee annual reports from last year. You can select as few or as many of these elements as are applicable. If the annual report contains elements that are not included in our list, select "other" and a box will appear for you to type in a description.

An item in the list is "*forward work plan*" – by this we mean a detailed programme of standards committee objectives and proposed activities, rather than simply a timetable of future meetings.

3) How is the standards committee annual report circulated?

If your return is not on the website please forward a copy to us. See guidance notes for details.

You will not need to answer this question if you have indicated that the standards committee does not produce a report.

For those that answer "yes" to question 1, we have provided a list of some of the common ways that standards committee annual reports could be circulated. You can select as few or as many of these as are applicable. If your standards committee annual report is circulated in a different way, select "other" and a box will appear for you to type in a description.

If you indicate that the report is available on the authority website, you will be asked to provide a URL (web address).

Standards committee annual reports provide us with valuable detail and context about the work of the standards community. If yours is not available on the authority website, but you would like to share it with Standards for England, you can email a copy (preferably in PDF or Microsoft Word format) to our monitoring team at authorityreturns@standardsforengland.gov.uk. If sending by post, the address is:

The Monitoring Team
Standards for England
4th Floor, Griffin House
40 Lever Street
Manchester
M21 9LB

Publicising Complaints

4) How can the public access information about how to make a complaint against a member?

We have provided a list of some of the common ways that the public might access information about how to make a complaint against a member. You can select as few or as many of these as are applicable. If your authority uses a different method, select “other” and a box will appear for you to type in a description.

If you indicate that the authority website is a way that the public can access information you will be asked to provide a URL (web address) that links to the relevant section of the website.

5) How can the public access information about the outcome of initial assessment decisions?

We have provided a list of some of the common ways that the public might access information about the outcome of initial assessment decisions. You can select as few or as many of these as are applicable. If your authority uses a different method, select “other” and a box will appear for you to type in a description.

6) How can the public access information about the outcome of investigations?

We have provided a list of some of the common ways that the public might access information about the outcome of investigations. You can select as few or as many of these as are applicable. If your authority uses a different method, select “other” and a box will appear for you to type in a description.

If you indicate that the authority website is a way that the public can access information you will be asked to provide a URL (web address) that links to the relevant section of the website.

7) Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant, and witnesses.

This question attempts to ascertain whether you routinely gather any kind of feedback from those involved in allegations about their experience of the complaints process. This is not about whether they believe the outcome of an initial assessment, investigation, or hearing was correct, but whether they feel the whole process was conducted professionally, fairly, and in a timely manner (appropriate to the complexity of the particular allegation). The feedback could be in the form of a survey, for example.

8) If yes, please can you describe the process?

See details under question 7. You might want to include some commentary about whether you believe the mechanism has been a success. If so, describe a particular example of where it worked well. A good description here will enable us to identify and share notable practice with the rest of the standards community.

Communicating the role and work of the standards committee and standards generally

9) What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?

We have provided a list of some of the common ways that authorities promote internally the work of the standards committee and standards generally. You can select as few or as many of these as are applicable. If you indicate that your independent members contribute to authority meetings, a box will appear to ask for further details about their contribution. If your authority uses a different method, select "other" and a box will appear for you to type in a description.

10) How can the public access information about your standards committee?

We have provided a list of some of the common ways that the public might access information about standards committees. You can select as few or as many of these as are applicable. If your authority uses a different method, select "other" and a box will appear for you to type in a description.

If you indicate that the authority website is a way that the public can access information you will be asked to provide a URL (web address) that links to the relevant section of the website.

11) What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?

This is an open question for you to inform us of anything extra your authority does to promote the standards committee to a wider audience, not already covered by the preceding questions.

We will be looking to identify notable practice here to share with the rest of the standards community.

PART 2: INFLUENCE

12) How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select “other” and you will be asked to provide extra details.

By using the term “senior figures” this question can relate to all forms of leadership within authorities. So, for example, with a police authority this could mean the Chair and the Chief Executive or for a fire authority it could be the Chair and the Chief Fire Officer.

The answers to this will help us gain a wider understanding of the level of importance a standards committee has within its authority. The focus here is on how well the standards committee and the senior figures communicate.

13) How do the senior figures in your authority demonstrate strong ethical values?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select “other” and you will be asked to provide extra details.

This question is different to question 12 as the focus is on what responsibility the senior figures personally have for standards rather than just attending meetings they are invited to. From the responses we will be able to take a view on how well supported the work of standards committees are by senior figures.

14) Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

A partnership protocol should enable partners to agree what behaviour they can expect from each other. It can be used as a means by which they can challenge each other and hold each other to account. Having a clear and transparent behaviour protocol can help promote trust amongst the partnership and the general public, demonstrating commitment to behaviour of a certain standard.

Please answer “yes” if your authority has developed or is currently working towards a protocol which matches, or has elements of, what is described above.

15) What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

We are keen to understand how the relationships between members and between members and officers are managed other than employing the complaints process. This kind of pro-active work is very important for building and maintaining a healthy culture of standards within an authority.

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

PART 3: TRAINING AND SUPPORT

16) Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members and standards committee members in relation to their responsibilities on standards of conduct?

Last year 75% of authorities indicated that they had assessed the training and development needs of members. We are interested to know if this figure has changed.

17) If no, please give your reasons why?

There may be good reasons why training and development needs were not assessed. We are interested in finding out about these circumstances.

18) If yes, what needs were identified?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select “other” and you will be asked to provide extra details.

19) What training/support was provided during the period 1 April 2009 to 31 March 2010?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select “other” and you will be asked to provide extra details.

20) Who received training/support?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select ‘other’ and you will be asked to provide extra details.

21) What methods were employed to give training/support?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select ‘other’ and you will be asked to provide extra details.

An item in the list is “*ethical governance toolkit*” – this is a group of materials designed to help local authorities assess how well they are meeting the ethical agenda and to improve further their arrangements. The toolkit consists of four main elements. Each of these is administered by either the Audit Commission or the IDeA. You can find out

more about this at

<http://www.idea.gov.uk/idk/core/page.do?pagelId=1115850#contents-4>

22) In which areas of the Code of Conduct has training/support been provided?

This question will only appear if the option “*elements of the Code of Conduct*” is selected at question 19.

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select “other” and you will be asked to provide extra details.

23) What other training/support has been provided on areas of an authority member’s role or activities they may engage in?

We have provided a list of activities and topic areas that members may be involved in. You can select as few or as many of these depending on what training or support has been provided. If training or support has been provided about different, but relevant topics, select “other” and a box will appear for you to type in a description.

24) In general, how well attending was the training provided?

Please select one of the options which best describes the overall attendance of the training provided during the year.

25) Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?

Please give a brief indication of the level of training new members receive about the local standards framework and other relevant standards issues. Please include the topics covered and the methods used. The options in the above training questions should help guide you.

26) In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members?

This question will only appear if “*role and responsibilities of the standards committee*” is selected at question 19. Please answer for training provided to standards committee members only.

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select ‘other’ and you will be asked to provide extra details.

PART 4: INVESTIGATIONS

27) How many investigations have been conducted during the period 1 April 2009 – 31 March 2010?

This question only requires a number for an answer. In the interests of avoiding duplication of work, we would prefer to get this information from the quarterly return. However, both the annual return and the quarterly return are to be completed at around about the same time near the year end. This means that we are unlikely to have the information from the quarterly return early enough. The purpose of this question is so that the online form knows whether to display or suppress questions 28 to 31 inclusive. For example, if you have not conducted any investigations, the next question you will be presented with is number 32.

28) Of the investigations completed during the period, for how many have investigators been used?

This will only appear if the answer to question 27 is more than “0”. If the answer is “0” the next question will be number 32.

This question only requires a number for an answer. This should be the number of completed investigations which have been to consideration and/or hearing and where the investigation was undertaken by someone outside of the authority. This includes employees of other authorities as well as those commercially sourced.

If you have not had any then please answer 0.

29) Overall, what was your principle reason for out-sourcing the investigation(s)?

This question will not appear if you have not completed any out-sourced investigations. Instead the next question will be number 32.

This question asks for only one reason to be selected. We understand that there may be multiple reasons for out-sourcing and they may be different from case to case. However we would like you to select what you consider to be the main reason overall, taking into account all out-sourced investigations. If your reason is not in the list please select “other” to open a text box for you to type a description of it.

30) What type of external investigator(s) did you use?

When responding to this question you can tick all the relevant answers on the list provided. Please remember to only consider the cases where an external investigator was employed.

31) For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s)?

Standards for England would like to understand the costs incurred with out-sourced investigators. This is difficult to calculate so we are asking for the total amount invoiced to you for the external investigator's work.

32) Please provide a brief overview of the methods you use to guarantee the quality of local investigations.

An example of this could be similar to the mechanisms you described in your response to question 7. A feedback survey of people involved in an investigation might be one method. Please provide as much detail as possible, as this is another area in which we would like to identify notable practice to share with the rest of the standards community.

PART 5: RELATIONSHIPS WITH PARISH AND TOWN COUNCILS

This section is only for authorities with parish/town councils. For those without, you have reached the end of the annual return questions.

33) Has your authority provided training for parish councillors during the period 1 April 2009 to 31 March 2010?

This question is about parish councillors only; please do not take parish clerks or any other member/officer into account. You will be asked about training for parish clerks in a later section.

34) If yes, what topics did the training cover?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

35) What methods were employed to give training/support?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

36) In general, how well attended was the training for parish councillors?

This question is designed to find out about the level of "take-up" of parish councillor training. Our general understanding is that attendance levels at such events can vary significantly. We would like more concrete evidence as to whether this is true or not. Please take all parish councillor training into account, if there have been multiple events, and come to an aggregate conclusion.

37) Has your authority provided training for parish clerks during the period 1 April 2009 – 31 March 2010?

Only select "yes" if there has been training specifically for parish clerks during the specified period.

38) What topics did the training for parish clerks cover?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

39) If yes, what methods were employed to give training/support to parish clerks?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

40) In general, how well attended was the training for parish clerks?

Please select the option that best describes the overall attendance of the training provided during the year.

41) Does your council have a Compact (a formal agreement with your County Association of Local Councils about supporting standards for parish and town councils in the area)?

A Compact is a formal document between an authority and their County Association of Local Councils. A potential outcome of the compact could be delivering joint training, for example.

42) Describe the relationship between your authority and your County Association of Local Councils in relation to standards. For example, how regularly do you interact with them? Are you involved in delivering joint training?

This question has been left open so that you have the opportunity to tell us about how you work with your County Association of Local Councils. You may also wish to refer to or expand on your answer to question 41.

43) Standards for England and Teesside University are currently researching the role of the Parish Liaison Officer. Teesside University have created a brief questionnaire to assess the organisational background, functions and skills needed to carry out the Parish Liaison role. Does your authority have a Parish Liaison Officer?

A Parish Liaison Officer acts as a point of contact between the principle authority and the parishes/town councils. They provide advice and support and will often attend parish/town council meetings. If you do not specifically have a Parish Liaison Officer

but there is someone within the authority who carries out the role described, please answer “*no, but there is someone who fulfils the same functions*”

44) Does the Parish Liaison Officer (or the person who fulfils the same functions) consent for the University of Teesside to contact them to complete a brief questionnaire about their role?

This question will only appear if you answer yes or “*no but there is someone who fulfils the same functions*” to question 43. If you have the contact details of the Parish Liaison Officer (or person with the same functions) and they consent to taking part in the research described above, please answer yes and then a box will appear for you to fill in their contact details.

45) What steps have you taken when dealing with parishes which have had problems with standards issues? For example, what preventative or capacity building work have you done with parishes?

We will use the responses to this question to identify notable practice and share it with other authorities that have parishes. Please indicate how successful the methods you used were and why you think this was the case.

46) Which of the following areas would you like Standards for England to produce additional guidance on to support your work with parishes?

We are always looking to enhance the range of guidance we produce and the parish sector is one of the key areas that we could focus on. Responses to this question will help us to identify specific areas in which guidance may prove useful.

Booking is now open for the 2010 Annual Assembly of Standards Committees, 'A place for standards', on 18 and 19 October 2010 at the International Convention Centre, Birmingham.

'A place for standards' is an essential diary date for anyone who wants to build their knowledge of the Code of Conduct and the local standards framework, including:

- Independent and elected members of standards committees.
- Monitoring officers and legal and democratic services teams.
- Elected members with special responsibility for standards and ethics.
- Chief executives and council leaders.

The event has sold out quickly for the past three years, so early booking is highly recommended.



Appendix 5

Sharing good practice, building skills and confidence

'A place for standards' is focused on sharing good practice, developing high standards and helping authorities to manage a proportionate, cost effective local standards framework.

A wide range of workshops and presentations will include:

- Sessions for new or less experienced delegates to build confidence in managing local assessment, investigations, hearings, determinations and the Code of Conduct.
- How to develop a place for standards in your authority, and proactively engage with members, leaders and key decision makers.
- How to successfully recruit independent standards committee members.
- How to develop a proactive work programme for your standards committee.
- How to deal with challenging behaviour and get 'difficult' members to understand the local standards framework.
- The right qualities and skills for an effective independent chair.
- To blog or not to blog? Using social media and staying within the Code.
- Dedicated sessions focused on town and parish councils and fire, police, integrated transport and parks authorities.

This page is intentionally left blank