



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY 22ND SEPTEMBER 2010, AT 6.00 P.M.

CONFERENCE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Independent Members: Mr. N. A. Burke (Chairman), Ms. K. J. Sharpe (Vice-Chairman) and Mrs. G. Bell
Councillors: Miss D. H. Campbell JP, Mrs. A. E. Doyle and E. C. Tibby
Parish Councils' Representatives: Mr. J. Cypher (Alvechurch Parish Council) and Mr. I. A. Hodgetts (Romsley Parish Council)

Observer: Mr. S. H. Malek (Non-voting Deputy Parish Councils' Representative - Clent Parish Council)

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Standards Committee held on 19th May 2010 (Pages 1 - 6)
4. Monitoring Officer's Report (Pages 7 - 16)

[To receive a report from the Monitoring Officer on any matters of relevance to the Committee.]
5. Parish Councils' Representatives' Report

[To receive an oral report from the Parish Councils' Representatives on any matters of relevance to the Committee, and to include an update on any recent meeting(s) of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC).]

6. Ombudsman - Annual Review (Pages 17 - 34)

[To provide the Committee with information regarding the Local Government Ombudsman's Annual Review of Bromsgrove District Council for the 12 month period ending 31st March 2010.]

7. Publications (Pages 35 - 38)

[Attention is drawn to the attached Standards for England *Bulletin* No. 48.]

8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

9. Exclusion of the Public

[Should it prove necessary, in the opinion of the Chief Executive, to exclude the public from the meeting at any point during the proceedings in relation to any item(s) of business on the grounds that either exempt and/or confidential information is likely to be divulged, the following resolution(s) will be moved:

"That under Section 100 I of the Local Government Act 1972, as amended, it/they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being (...to be specified by the Chairman at the meeting), and that it is in the public interest to do so.", and/or

"That under Section 100 A of the Local Government Act 1972, as amended, it/they involve the likely disclosure of confidential information which would be in breach of an obligation of confidence."]

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

14th September 2010

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 19TH MAY 2010 AT 6.00 P.M.

PRESENT: Independent Members: Mr. N. A. Burke and Ms. K. J. Sharpe
Councillors: Miss D. H. Campbell JP and E. C. Tibby
Parish Councils' Representatives: Mr. I. A. Hodgetts and Mr. S. H. Malek
(substituting for Mr. J. Cypher)

Officers: Mrs. C. Felton, Mrs. D. Warren, Mrs. S. Sellers, Ms. D. Parker-Jones and Ms. P. Ross

1/10 **ELECTION OF CHAIRMAN**

RESOLVED that Mr. N. A. Burke be elected Chairman of the Committee for the ensuing municipal year.

2/10 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Ms. K. J. Sharpe be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs. A. E. Doyle, Mrs. G. Bell, Independent Member and Mr. J. Cypher, Parish Councils' Representative.

4/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/10 **MINUTES**

The minutes of the meeting of the Standards Committee held on 24th March 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/10 **MONITORING OFFICER'S REPORT**

The Committee noted the contents of the Monitoring Officer's ("MO's") report and the following issues were raised during the consideration of this:

(i) Member Investigations and Associated Matters

The Deputy Monitoring Officer (“DMO”) highlighted to Members (in regards to Standards Committee Complaint Reference 94/09) this was the first instance whereby a complaint had been referred back to the Assessment Sub-Committee under Regulation 16 (1) of the Standards Committee (England) Regulations 2008, during the course of an investigation. The investigation was still ongoing and once concluded would be referred to the Standards Committee for consideration in the usual manner.

The MO responded to comments from the Committee with regards to Complaint References 95/09 and 106/09 to 110/09 that had been directed back from Standards for England (“SfE”) to the MO. The Committee felt disappointed as an extensive debate had taken place during the Assessment Sub-Committee meeting. The MO accepted the concerns expressed and advised that she had spoken with SfE and explained to the Committee the reasons given and also the need for consistency in decision making. The MO confirmed this would not cause a hold up to the ongoing investigations into the complaints arising from the meeting of the Full Council held on 29th July 2009.

(ii) Member Training

Mrs. G. Bell had undertaken her mandatory standards training with the Monitoring Officer and Deputy Monitoring Officer on 21st April 2010. The MO advised Members that it was proposed that joint training for both the Bromsgrove and Redditch Standards Committees’ would be carried out by an external firm of solicitors before the end of June 2010 in order to comply with the requirement that Members were trained before the end of June 2010. The Ethical Standards Officer would notify Members of the confirmed date, time and venue. Members were requested to notify the Ethical Standards Officer of any dates in June when they would be unavailable for training.

In accordance with the Council’s Constitutional requirements, refresher training for all relevant board/committee Members had been arranged for all Members to be suitably trained in order to carry out their functions on the boards/committees to which they have been appointed. The Learning & Organisational Development Manager would keep a record of refresher training attended which would be policed to ensure that Members had completed the required elements of this. The MO highlighted that extremely positive responses had been received from Members of the Planning Committee who had attended the recent refresher planning training carried out by the Head of Planning Services for Bromsgrove and Redditch. The MO informed Members that Redditch Borough Council was arranging a 2 day planning training session in July 2010 also available to Bromsgrove Members. Bromsgrove District Council would look to run two further ongoing planning training dates in August / September 2010. The MO had requested Officers provide her with details of the compulsory elements they considered relevant for the service area they were responsible for in order to provide Members with support and relevant training during the next municipal year.

The DMO informed Members that it was unclear as to whether the new Government would be proceeding with implementation of the New Code of Conduct for Councillors and co-opted members.

Annual Report of the Standards Committee 2009/10

The Ethical Standards Officer informed Members that she would shortly be working on the Annual Report of the Standards Committee 2009/10 and that the draft version would be circulated to all Members of the Committee for comments.

RESOLVED:

- (a) that the report be noted;
- (b) that any action points detailed in the preamble above be acted upon and reported back to the Committee, as appropriate.

7/10 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Hodgetts advised that no meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils had taken place since the last meeting of the Standards Committee. Mr. Malek advised that the next meeting of the Area Committee was due to be held on 2nd June 2010.

The Deputy Monitoring Officer ("DMO") advised that a meeting had recently taken place between herself, Mr. J. Cypher and the Council's Ethical Standards Officer at which she had asked Mr. Cypher to act as a link between the Council and the Parish Council Clerks in obtaining copies of all of the Parish Councils' Code of Conduct, which would be required before the next round of Parish elections. It was suggested that the Council might also wish to liaise with Mr. R. Levett of the Worcestershire County Association of Councils in this regard.

RESOLVED that the position be noted.

8/10 **COMPOSITION OF STANDARDS COMMITTEE**

The Committee was advised that as agreed at the Standards Committee Meeting held on 24th March 2010, a report had been presented to the Annual Meeting of the Council on 12th May 2010 to consider increasing the number of members of the Standards Committee by including an additional elected Member. The Council had resolved that the membership of the Standards Committee be increased from 8 to 9, the additional member being an elected Member; the Committee therefore to comprise:

- 4 elected Members, being 2 Members of the controlling political group and 2 Members who are not members of the controlling political group;
- 3 Independent Members
- 2 Parish Council Representatives

The DMO responded to questions and advised Members that whilst the requirement for political balance under section 15 of the Local Government and Housing Act 1989 did not apply to Standards Committees and their sub-committees, the same principle for political balance was being followed for the Standards Committee.

RESOLVED that the decision of the Council on the composition of the Standards Committee be noted.

9/10 **MEMBERSHIP OF ASSESSMENT AND REVIEW SUB-COMMITTEES**

The Committee considered a report on the process for selecting substitutes to Sub-Committees and to appoint Committee Members to the Standards Sub-Committees. At the Standards Committee meeting held on 23rd September 2009, Members had resolved that the Sub-Committees of the Standards Committee be restructured with immediate effect with fixed membership and Sub-Committees A and B had been established to sit in strict rotation.

Both Members and officers considered that the fixed membership system had worked well and had ensured clarity in the process for selection of substitutes. However, officers had recommended a slight alteration to the process for appointing substitutes as set out in paragraph 4.3 of the report.

RESOLVED:

- (a) that the Committee amends the process for selecting substitutes as set out in paragraph 4.3 of the report;
- (b) that the membership of Sub-Committees for the forthcoming municipal year as detailed in the table below be agreed;

Table of membership of Sub-Committees

<p>Assessment (District Councillor Complaints) Sub-Committee A</p> <ul style="list-style-type: none"> • (IM1) • (DC1) • (PR1) 	<p>Review (District Councillor Complaints) Sub-Committee A</p> <ul style="list-style-type: none"> • (IM2) • (DC2) • (PR2)
<p>Assessment (District Councillor Complaints) Sub-Committee B</p> <ul style="list-style-type: none"> • (IM3) (Chairman) • (DC3) • (IM1) 	<p>Review (District Councillor Complaints) Sub-Committee B</p> <ul style="list-style-type: none"> • (IM2) • (DC4) • (PR1)
<p>Assessment (Parish Councillor Complaints) Sub-Committee A</p> <ul style="list-style-type: none"> • (IM3) • (DC2) • (PR1) 	<p>Review (Parish Councillor Complaints) Sub-Committee A</p> <ul style="list-style-type: none"> • (IM1) • (DC1) • (PR2)

Assessment (Parish Councillor Complaints) Sub-Committee B	Review (Parish Councillor Complaints) Sub-Committee B
<ul style="list-style-type: none">• (IM2)• (DC4)• (PR2)	<ul style="list-style-type: none">• (IM3)• (DC3)• (PR1)
IM1 – Gillian Bell IM2 – Noel Burke IM3 – Kimara Sharpe PR1 – Cllr J Cypher PR2 – Cllr I Hodgetts	DC1 – tbc DC2 – tbc DC3 – tbc DC4 - tbc

- (c) that District Councillors be selected in alphabetical order to sit on Sub-Committees; and
- (d) that until District Councillor 4 (DC4) had been nominated and confirmed that one of the other District Councillors be selected to sit in his/her place.

10/10 **DOCUMENTATION ACCOMPANYING REPORTS TO ASSESSMENT AND REVIEW SUB-COMMITTEES**

The Committee's views were sought on reviewing the local assessment system that had run for 2 years with regard to the documentation made available to Assessment and Review Sub-Committees when assessing a complaint that a Member might have failed to follow the Code of Conduct.

The Deputy Monitoring Officer ("DMO") advised Members that on the advice of Standards for England ("SfE") it had been agreed by the Committee that the Assessment and Review Sub-Committees would be presented with the complaint accompanied by a short report and any publicly-available documentation which related to the facts at issue. SfE had since revised its guidance to include "easily obtainable information". The DMO advised Members that the current process protected the Sub-Committees from criticism, made it clear what information would be received by the Assessment and Review Sub-Committees and removed the need for the Monitoring Officer ("MO") to exercise discretion or subjectivity in the preparation of the report.

RESOLVED:

- (a) that the policy on documentation in general terms remains the same, subject to it being noted that the Assessment and Review Sub-Committees could always make a request to the MO for a piece of information to be made available, with the MO reporting back if appropriate under the circumstances identified; and
- (b) that the Committee monitors the current process used and reviews in 12 months' time.

11/10 **MONITORING THE OPERATION OF THE MEMBERS' CODE OF CONDUCT**

The Committee was asked to consider a report on how to undertake the monitoring of the Members' Code of Conduct. The Council's Constitution tasked the Standards Committee with the role of monitoring the operation of the Members' Code of Conduct and therefore it was included on the Committee's Work Programme each year.

RESOLVED that a review of the monitoring of the operation of the Members' Code of Conduct be carried out following the conclusion of the current complaint investigations and, if relevant, final determinations, as these might highlight areas of conduct or parts of the Code of Conduct which might require training or guidance.

12/10 **PUBLICATIONS**

There were no publications for noting.

13/10 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme.

It was noted that no new items were currently scheduled for consideration.

RESOLVED that the Work Programme be approved.

The meeting closed at 6.38pm

Chairman

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STANDARDS COMMITTEE 22nd September 2010

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Geoff Denaro
Relevant Head of Service	Claire Felton, Monitoring Officer

1. SUMMARY OF PROPOSALS

- 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 since the last meeting of the Committee on 19th May 2010.
- 1.2 Any further updates will be reported verbally at the meeting.

2. RECOMMENDATIONS

That the Committee note the report and comment on any aspects of this, in particular the issues raised in paragraphs 3.9 and 3.12, as appropriate.

3. BACKGROUND

Member Investigations and Associated Matters

- 3.1 Following the report given at the last meeting in relation to Complaint References 95/09 and 106/09 to 110/09 (which had previously been referred to and accepted by Standards for England ("SfE") for investigation, but for which SfE's investigations were subsequently stopped and the complaints referred back to the Monitoring Officer for local investigation as part of the ongoing investigation into the complaints arising from the meeting of Full Council in July 2009), these matters have now been referred to the local Investigating Officer. The Investigating Officer has accepted the additional complaints and is currently undertaking the investigation into these. The Monitoring Officer has submitted the required report to SfE confirming the action that has been taken in order to comply with the direction given by SfE.
- 3.2 Further local investigations in respect of Complaint Reference 94/09 (a district councillor complaint which was reported to the Committee at the last meeting and for which the scope of the investigation has been extended to include an additional matter) and linked parish councillor Complaints 03/10 and 04/10 are currently ongoing and will be referred to the Committee for further consideration in due course.

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Complaints for Local Assessment

- 3.3 Since the last meeting of the Standards Committee 3 meetings of the Assessment Sub-Committee have taken place, which have considered a total of 5 new complaints.

The complaints considered and their respective outcomes were as follows:

Complaint Ref	Against	Outcome	Comments
01/10	district councillor	Referred to Monitoring Officer for other action	Other action partially completed
02/10	district councillor	No further action	
03/10	parish councillor	Referred to Monitoring Officer for local investigation	Linked to Complaint Ref 04/10
04/10	parish councillor	Referred to Monitoring Officer for local investigation	Linked to Complaint Ref 03/10
05/10	district councillor	No further action	

- 3.4 The Committee is reminded that details of only those complaints which have been assessed by the relevant Sub-Committee appear in this report. Any complaints which have yet to be assessed and/or for which Sub-Committee decision notices have still to be issued are not included as the Subject Members concerned will not be aware of the complaints. Equally, only information relating to review requests which have already been considered by the appropriate Review Sub-Committee and for which the parties involved have been notified of the outcome are included.
- 3.5 A table showing the cumulative complaint statistics since the introduction of local assessment is attached at Appendix 1 to this report.

Monitoring Officer's Other Action

- 3.6 Equalities training relating to 2 previous (linked) parish councillor complaints is due to be conducted by the Deputy Monitoring Officer and the Council's Equality Officer at the Parish Council concerned on 20th September 2010. A verbal update will be given at the meeting in relation to further action concerning a district councillor's Register of Interests.

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Member Training

- 3.7 Members are advised of the following training matters:
- (i) In order to meet the requirements set out in the Council's Constitution Members have completed a variety of refresher training for the various boards/committees on which they sit. Such training has included:
 - a) Members' Code of Conduct on 21st June 2010, Claire Lefort, Weightman's LLP;
 - b) Licensing - 3 separate sessions held on 28th and 29th July 2010 and 2nd September 2010 covering various aspects of licensing legislation and how the legislation applies to licensing meetings and hearings, together with a mock licensing hearing; and
 - c) 'Planning for Councillors' on 7th September 2010 and 'Planning - Probity and Good Practice' on 8th September 2010, Andrew Ashcroft, Trevor Roberts Associates (equivalent sessions were also held in Redditch in July);
 - (ii) Further internal training identified by Heads of Service is scheduled to take place later in the year, for example, Risk Management Awareness for members of the Audit Board; and
 - (iii) Training for representatives on the Council's outside bodies, including Member obligations in this regard, is being arranged for later in the year.

Parish Council Matters

- 3.8 Members may recall previous discussions regarding the proposed establishment, by the Monitoring Officer, of periodic informal meetings between parish council clerks/executive officers and representatives of the Monitoring Officer's team, to discuss matters of mutual interest/concern. Recent contact has taken place with the parish clerks/executive officers in this regard, including the Clerk to Feckenham Parish Council in Redditch in view of the shared services agenda between Bromsgrove District Council and Redditch Borough Council. The offer of such meetings has been warmly received and it is anticipated that the first meeting will take place within the next month or so.
- 3.9 Members will also recall the Committee's previous decision to establish an ethical governance training programme for the parish councils, implementation of which was delayed pending introduction of a new Members' Code of Conduct by the previous Government. Whilst awaiting introduction of the new Code parish councils have been invited to Standards/Code of Conduct training which has taken place at the Council House and the Monitoring Officer's team has, on request, attended parish councils to conduct training sessions on topics such as Members' interest. In view of the new Government's decision to abolish Standards for England

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(as detailed at paragraph 3.13 below) it is suggested that the issue of an ethical governance training programme for the parishes be revisited once more is known about the new Government's future plans for the local standards framework.

Links between the Standards Committee, the Cabinet and the Senior Management Team

- 3.10 At its meeting in March 2010 the Committee considered a report which asked whether links should be developed between the Standards Committee, the Cabinet and/or the Senior Management, and if so, how those links should be developed and what forms they should take; an issue which had arisen in the light of questions previously contained in SfE's Annual Return. In view of the local position, which it was recognised at the time included certain relationship issues as well as a large number of ongoing local investigations into Member-Member complaints, it was felt that the establishment of future links required a stepped approach.
- 3.11 The Committee agreed that the first stage in the process should be for the Monitoring Officer to speak with the Chief Executive regarding the establishment of informal meetings between the Chief Executive and the members of the Standard Committee to discuss ethical governance issues, with the first such meeting hopefully due to take place in September 2010.
- 3.12 The Monitoring Officer has spoken with the Chief Executive who is happy for such meetings to take place. It is proposed however that the first meeting take place once the outcomes of the July 2009 Full Council complaints are known as the outcomes will be pivotal in any future discussions.

National Standards Regime & Ongoing Local Standards Review

- 3.13 Members will be aware of the Government's announcement of its intention "to abolish the Standards Board regime". Further information in this regard, including a possible timeframe for introduction of the legislation required to implement the changes and the closure of SfE, are detailed in Standards for England's *Bulletin* No. 48, a copy which can be found at agenda item 7 (Publications). The *Bulletin* also details SfE's revised business plan for 2010 and 2011 in the light of the proposed changes, together with updates relating to monitoring returns, SfE's acceptance of complaints and the reappointment of independent members on the Standards Committee.

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- 3.14 Until the changes are introduced the local standards framework remains in place and standards committees and monitoring officers have an obligation to keep the current system operating. Officers will keep the Committee informed of any developments in this regard as and when they arise.
- 3.15 In view of the above and the present uncertainty in this area, work on the ongoing local review of standards and introduction of the associated 'Your Councillor Working for You' branding has been temporarily halted. This will resume, as appropriate, once more is known about the Government's future intentions in relation to the local standards framework.

4. KEY ISSUES

The Committee is asked to note the information contained within the report and to comment on any aspects of this as it sees fit.

5. FINANCIAL IMPLICATIONS

None

6. 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.

7. POLICY IMPLICATIONS

None

8. COUNCIL OBJECTIVES

This item does not link directly with any Council objectives.

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9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The main risks associated with the details included in this report are:

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

9.2 These risks are being managed as follows:

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

10. CUSTOMER IMPLICATIONS

None

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None

14. HUMAN RESOURCES IMPLICATIONS

None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

The Standards Committee is responsible for promoting and maintaining high standards of behaviour among Members and its work is therefore key to the ethical governance arrangements in place within the Council.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

None

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17. HEALTH INEQUALITIES IMPLICATIONS

None

18. LESSONS LEARNT

None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

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22. APPENDICES

Appendix 1 Local Assessment Statistics

23. BACKGROUND PAPERS

Member complaint files
Standards for England *Bulletin* No. 48
Previous Standards Committee reports and Standards Committee minutes

AUTHOR OF REPORT

Name: Claire Felton
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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 ⁴	Referred to Standards for England for investigation	Final determinations
Total	130²	15³	37³	4³⁺⁴	74⁵	3	1	11⁶	1⁵

(See explanatory notes overleaf)

Nature of complaints	Number of complaints
Register of Members' Interests: failure to declare interests / failure to complete and return interests form within required 28 days of adoption of the Code of Conduct / false information included in interests form	10
Failure to treat others with respect	1
Acted in a manner which brought office/the Council into disrepute / use of position for personal gain	6
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
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
Vexatious and politically driven complaints against a Member amounting to an abuse of the role and function of the Standards Committee	2

Explanatory notes

- ¹ The statistics detailed cover the period since the introduction of local assessment in May 2008 to 14th September 2010 (the date of preparation of this report).
- ² In 2 cases 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. For statistical purposes these have been recorded as the original 2 complaints only.
- ³ Of the 15 reviews conducted to date 13 have resulted in a decision of no further action, with 2 matters having been referred to the Monitoring Officer for other action.
- ⁴ Other action is currently being undertaken for 2 (linked) parish councillor matters and a further district councillor matter (see further details under paragraph 3.5 of main report).
- ⁵ The final determination of 1 of the complaints referred for local investigation has taken place which resulted in a 2 month suspension of the Subject Member, such suspension to cease on receipt of a suitable written apology from the Member concerned. 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.
- ⁶ Of the 11 cases referred to Standards for England for investigation all have been accepted for investigation. In 5 cases the investigations have been completed and in each of those cases it was the Ethical Standards Officer's finding that there was no failure on the part of the Subject Member to follow the Code of Conduct. In the remaining 6 (linked) cases Standards for England stopped its investigation and referred the complaints back to the Monitoring Officer with a direction that these be investigated locally as part of an ongoing investigation into similar complaints.

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OMBUDSMAN – ANNUAL REVIEW

Relevant Portfolio Holder	Geoff Denaro
Relevant Head of Service	Claire Felton

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to provide Members with information regarding the Local Government Ombudsman's Annual Review of Bromsgrove District Council. The Annual Review (previously called the Annual Report) sets out the statistics for complaints made against this Council during the 12 month period ending 31st March 2010.

2. RECOMMENDATIONS

- 2.1 Members are requested to receive and note the contents of the Annual Review from the Local Government Ombudsman and make any recommendations to Council as necessary.

3. BACKGROUND

- 3.1 The Annual Review from the Local Government Ombudsman is attached at Appendix A. In particular Members are referred to Section 1 which sets out the Ombudsman's summary of the complaints relating specifically to Bromsgrove. The statistics for response times and outcomes are contained in Appendix 2 of the Annual Review

4. KEY ISSUES

- 4.1 The following observations can be made based on the statistics:-
- Number of first enquiries reduced in 2009/2010 to 7, compared to 11 the previous year.
 - With regard to the outcome of decisions, there was one formal finding of maladministration which is referred to below in more detail. On 5 matters there was no maladministration. One matter was outside the Ombudsman's jurisdiction and in 8 cases the Ombudsman exercised his/her discretion not to pursue the complaint. There were 5 local settlements. A complaint is resolved by a local settlement if the ombudsman accepts that the outcome is satisfactory for the complainant. This will usually involve the payment of a small amount of compensation, and generally the reason for the settlement

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reflects that there has been maladministration by the Council or poor communication with the complainant.

- Response times – the Council's recorded response time to first enquiries has increased slightly from 24.5 days to 26 days. The target is 28 days. There is an internal performance indicator in place to monitor response times.

4.2 Members will see that the majority of local settlements in 2009/10 related to planning and enforcement matters. As referred to above there was one case in which the ombudsman issued a formal finding of maladministration. This is the most serious sanction available to the ombudsman and reflects that there were several failings which were found to amount to maladministration. The case related to a decision of the Planning Committee to grant planning permission to an affordable housing development in the Green Belt. The Members approved the scheme against officer recommendation. Whilst it is acceptable for Members to reach a different view from officers on this occasion in forming that view they took into account irrelevant factors, failed to consider office advice and advice from Natural England relating to environmental issues affecting the site, and failed to give adequate reasons for their decision. A sum of £1000 compensation was paid to the complainant. It was also necessary for the maladministration report to be formally reported to Full Council.

4.3 In terms of follow up actions, officers carried out a de-briefing session with Members of the Planning Committee to identify the learning points from this case and another ombudsman complaint which had resulted in a local settlement. Officers also arranged for the Assistant Ombudsman and one of the Senior Investigators to deliver a training session to Members which took place in January. This covered the Annual Review for 2008/2009 and some specific issues around making sound planning decision. The session went very well and there was positive feedback from the Members who attended. It is intended that a similar session will be provided as part of the 2010/11 Member Development Programme.

4.4 For comparison purposes, the 2009/2010 statistics for the 7 local authorities in Worcestershire are set out in the table at Appendix 2.

5. FINANCIAL IMPLICATIONS

5.1 None.

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

22nd September 2010

6. LEGAL IMPLICATIONS

6.1 None.

7. POLICY IMPLICATIONS

7.1 None.

8. COUNCIL OBJECTIVES

8.1 The issue of competent complaint handling links to CO2 – Improvement.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The main risks associated with the details included in this report are those linked to poor standards of complaint handling. The effects of not handling complaints efficiently can include poor customer service, increased customer dissatisfaction, increased numbers of complaints and damage to the Council's reputation.

9.2 These risks are being managed as follows:

- Through the Council's Customer First Policy under which there is a defined procedure for responding to complaints before they reach the stage of being referred to the Ombudsman.
- Through on-going training for staff and managers in implementing good customer service and managing complaints.

10. CUSTOMER IMPLICATIONS

10.1 The statistics in the review will assist officers in the on-going monitoring of complaint handling and resolution.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None

BROMSGROVE DISTRICT COUNCIL

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13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 There has already been follow up action to address the learning points relating to the Maladministration Report – see para 4.3.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

22nd September 2010

Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

Appendix 1 – Ombudsman’s Annual Review for Bromsgrove District Council for the year ended 31 March 2010

Appendix 2 – Table of statistics for Ombudsman complaints for the local authorities in Worcestershire year ended 31 March 2010

23. BACKGROUND PAPERS

Report of an investigation into complaint no 07B13868 against Bromsgrove District Council

Ombudsman Report into Maladministration - Full Council 09 September 2009

AUTHOR OF REPORT

Name: Sarah Sellers Senior Solicitor
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Tel: (01527) 881397

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Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Review**

**Bromsgrove District Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

Contents of Annual Review

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Section 1: Complaints about Bromsgrove District Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Bromsgrove District Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

In 2009/10 we received 22 enquiries and contacts relating to the council, compared with 27 complaints and enquiries in 2008/09. A total of seven of these were about planning and building control, four about public finance, three about housing, one about children and family services, one about benefits, one about transport and highways and five others, including areas such as elections and electoral register and drainage.

A total of 11 were passed to the investigative team (eight new complaints and three resubmitted premature complaints). We treated six complaints as premature and either referred them to the council or advised the complainant to make a complaint direct. In a further five cases we gave the complainant advice.

This compares with 27 complaints and enquiries in 2008/09, 16 of which were forwarded to the investigative team.

Complaint outcomes

We decided 20 complaints against the council during the year. In five cases we found no evidence of maladministration, and one complaint was outside my jurisdiction. In a further eight cases we exercised discretion not to investigate further. Typically these are cases where even though there may have been some fault by the council there is no significant injustice to the complainant.

Reports

When we complete an investigation, we generally issue a report. This year we issued a report about the processing of a planning application. Numerous errors were found in the processing of the application, including the Planning Committee taking into account irrelevant factors, failing to consider officer advice and advice from Natural England, and failing to give adequate reasons for its decision to approve the application against officer recommendation. In addition, I criticised the council for failing to pass on a residents' petition objecting to the application. My predecessor recommended that the council pay the complainant £1,000 to compensate them for the time and trouble they had to go to in order to pursue the complaint, along with their understandable outrage that the application should have been handled better.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority five were local settlements, representing 25% of complaints decided. I recommended that the council should pay a total of £2,350 in compensation in 2009/10. In this letter I shall deal with some of the more noteworthy examples.

Planning and building control

The majority of local settlements for your council this year concerned the processing of planning applications. In one case where the Planning Committee granted planning permission against officer advice, it failed to record its view on all the recommended reasons for refusal. It also failed to discuss how the development would impact on the complainant, which was one of the recommended reasons for refusal, and failed to appreciate that the ground floor windows of the development would overlook the complainant's property when it granted permission for the development. In addition, the council's policies indicated that development was only allowable in this location if special circumstances existed and the Planning Committee did not have any written evidence to support the arguments Members put forward. That was also in breach of policy, which requires the applicant to provide evidence of special circumstances. As a result, the complainant was left not knowing whether the outcome would have been different had the fault identified not occurred. They were also put to time and trouble in order to pursue their complaint. As remedy for that complaint the council agreed to pay the complainant £1,000 compensation and to remind Committee Members of the council's policy requirements in relation to special circumstances and the need to document its reasons when going against officer recommendation.

I identified similar concerns in another planning case, where Committee granted permission against officer recommendation without recording its view on two of the three recommended reasons for refusal, one of which was the impact on neighbouring properties. As a result the complainant suffered uncertainty about how the application had been considered and was put to time and trouble in order to pursue their complaint. In that case the council agreed to pay the complainant £500 compensation.

In another planning case I was concerned because the report to the Planning Committee failed to record the complainant's concerns about the effect the development would have on their amenity. As a result the complainant had a justifiable sense of outrage at feeling that the impact on them was not properly considered, along with the time and trouble they had to go to in order to pursue their complaint. As remedy the council agreed to pay the complainant £500 compensation.

Enforcement

In a case concerning enforcement of a condition on a planning permission the council delayed following up a breach of condition relating to obscure glazed windows. The council had also failed to address the neighbour consultation letter correctly on the original planning application, which meant that the complainant did not receive a letter or have an opportunity to comment on the planning application. The council agreed to pay the complainant's £350 compensation in that case.

Liaison with the Local Government Ombudsman

We made formal enquiries on seven complaints this year. In the annual review for 2009, my predecessor congratulated the council on its excellent performance in terms of response times to my enquiries. In 2009/10 the council took an average of 26 days to reply to my enquiries and although that is a slight dip from 2008/09 it is still well within the 28 day target I set for councils. I am pleased that the council has in recent years placed much greater emphasis on replying to my enquiries in a timely way and hope that it will maintain this high level of performance in 2010/11. In

January 2010 my Assistant Ombudsman and Senior Investigator visited the council to discuss last year's annual review with Members and provide some training on making sound planning decisions. He was able to report positively on relations between your council and this office.

Training in complaint handling

I would like to take this opportunity to remind the council that part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your authority's services.

Dr Jane Martin
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsman's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities.

These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

Dr Jane Martin
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the LGO's jurisdiction.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	7	26.0
2008 / 2009	11	24.5
2007 / 2008	11	26.3

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

LGO Advice Team

Enquiries and complaints received	Children and family services	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	2	0	0	1	0	2	6
Advice given	0	0	0	3	1	0	1	5
Forwarded to investigative team (resubmitted prematures)	0	0	0	0	1	1	1	3
Forwarded to investigative team (new)	0	1	1	1	4	0	1	8
Total	1	3	1	4	7	1	5	22

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Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	1	5	0	0	5	8	1	20

Authority	Total complaints determined (excluding premature complaints)		Maladministration and injustice reports		Local settlements		Maladministration reports		No maladministration reports		No maladministration without report		Ombudsman's discretion		Outside jurisdiction	
	2009/10	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10	2008/09
Worcestershire																
Bromsgrove DC	20	13	1	0	5	2	0	0	0	0	5	7	8	4	1	0
Malvern Hills DC	9	8	0	0	2	3	0	0	0	0	3	4	1	1	3	0
Redditch BC	9	7	0	0	3	1	0	0	0	0	3	4	3	0	0	2
Worcester City C	9	2	0	0	1	0	0	0	0	0	4	0	1	1	3	1
Worcestershire CC	38	46	0	1	9	21	0	0	0	0	23	19	2	1	4	4
Wychavon DC	13	7	0	0	2	1	0	0	0	0	5	4	4	1	2	1
Wyre Forest DC	11	3	0	0	2	0	0	0	0	0	8	0	0	1	1	2

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Introduction

This Bulletin comes at a time of big change for us following the Government's announcement of its intention 'to abolish the Standards Board regime'. Whilst we still await the detail of this policy, we will share with you what we know about what is proposed, and outline the timetable for our closure.

Although we have had to modify our work programme in light of this proposal, we remain 'open for business' and set out in this Bulletin our schedule of activities for the coming year. We are committed to continuing to work with you and support you in operating the standards framework successfully.

This is a sad month for us as we say goodbye to many valued staff leaving the organisation in our first wave of redundancies. We are losing people who have contributed much to this organisation, and many of whom have worked for us for some time. They will be much missed. We wish them all well in their future endeavours and thank them sincerely for their hard work.

The Future of Standards for England and the Standards Framework

The Government's 'Programme for Government' of 20 May 2010 contained the commitment to "abolish the Standards Board regime". Primary legislation is needed to abolish Standards for England, and we expect the provisions to be included in the planned Decentralisation and Localism Bill which is due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. This is likely to lead to final closure of this organisation sometime between 31 December 2011 and 31 March 2012. We have not seen any transitional provisions at this stage but will provide an update in a later Bulletin, when we know more.

In the light of these circumstances we have reviewed our business plan for this year and next. Our current priorities are to fulfil our statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements they may choose to put in place.

In the meantime, the local standards framework still exists and standards committees and monitoring officers have an obligation to keep the system operating.

In order to assist you we will:

- Continue to provide advice and information to those who phone or write to us with queries about the standards regime via our enquiries helpline, monitoring officer helpline or press helpline. We will respond immediately where we can by telephone or in writing by post or email.
- Update our guidance on the framework to make it easier to use.

There will be changes to the content of the guidance where sections may be out of date, inaccurate or incorrect. We have received several suggestions from stakeholders and will incorporate these in the guidance where appropriate.

The format of the guidance is changing to make it easier to use and more helpful. It will highlight all statutory requirements and provide a link to the relevant legislation.

We are not proposing to produce any other new guidance products, unless a specific need is identified. All revised guidance will only be available via our website.

- Produce an updated case review.

As a result of a request from the Association of Council Secretaries and Solicitors, and to assist the standards community as a whole, we are updating the Case Review 2007 to reflect cases decided by the First Tier and Upper Tribunals since the Case Review was last updated in 2008.

- Continue to carry out investigations referred to us by standards committees.

See the article towards the end of this bulletin on the factors we take into account when deciding whether to accept cases for investigation

- Maintain existing relationships with key stakeholder organisations.

Standards for England will continue to provide support to those in the regulated and standards community who have requested our help with ethical issues.

- Meet requests for staff to give presentations or attend training events.

We will continue to provide staff and material for presentations and training events where we are requested to attend and where it fits in with our current business plan.

- Maintain our web site as a resource to support standards committees.

We will carry out routine maintenance of our website and the guidance we provide on it. We have published our Annual Report and Annual Accounts online but we will not be printing these publications.

An update on monitoring returns

In June 2010 we sent out an email to all monitoring officers explaining that we had decided to postpone the return for the April to June quarter. As part of the review of the Business Plan we considered our requests for local authorities to complete quarterly monitoring. There will be no further requests for the submission of quarterly or annual returns. We do not anticipate re-establishing these procedures, unless a specific monitoring need arises in which we have to play a part.

The online questionnaires have been removed from our website and are now inaccessible. However, the information submitted by local authorities is available on request. If any authority wishes to obtain a copy we can provide them with pdf versions of any of the following:

- The standards committee composition details, correct as of the last date of monitoring (31 March 2010)
- Two years of case information, listed in chronological order by date received
- Annual Return 2008/09
- Annual Return 2009/10

Please email requests to authorityreturns@standardsforengland.gov.uk

Aggregated summary statistics of the quarterly return information are still available online at

<http://www.standardsforengland.gov.uk/CaseinformationReporting/Localstatistics/>

We will shortly be publishing an online report of the annual return information collected for 2009/10. This includes an introduction to the data, a key figures page, a summary of the findings and a full list of all the most common responses to each question.

Acceptance of Complaints by SfE

We have reviewed the factors we take into account when assessing if we will accept cases in the public interest, referred to us by local standards committees, for investigation. We reviewed the factors to see whether they were still appropriate taking into account the Government's stated policy, its localist approach to regulation of local government and our reduced budget.

We concluded that both the underlying criterion of public interest and the relating factors are consistent with our statutory purpose and continue to be valid while the current standards framework remains in place. Therefore we have not made any changes to the factors or criterion. However, when considering whether to accept cases we will have to have regard to the resources we have available and take account of the relative importance of cases.

Reappointment of Independent members

We have been asked if an authority has to follow our recommendation that independent members serve no more than two terms of four years after which new members should be recruited. Some authorities are concerned that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new members. In light of the uncertain future of the standards framework we advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applicants) an authority can extend that term for a further period. This can only be done during the term of office of an existing independent member and by approval from full council. Once the independent member's term has expired the full recruitment procedures must be followed again.

Tell us how it should be done

The Standards Forum now has more than 1,100 users and over 200 posts on almost 70 different topics. The subjects of vexatious complaints, informing the subject member about a complaint and promoting ethical behaviour continue to be popular. More recently posts about subject members resigning before an election and discussions about the future of the standards regime have been generating interest.

If you have anything to say about these issues or if you want to share good practice, seek advice from your peers or simply draw attention to something you think might be relevant to others, do it on the Forum. To have your say, visit:

www.standardsforengland.gov.uk/resources/TheStandardsForum/

The Forum is open to members of standards committees, monitoring officers and other relevant council officers. If you are not currently registered for the Forum and would like to have access, please email: forum@standardsforengland.gov.uk