



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE STANDARDS COMMITTEE**

**THURSDAY, 16TH OCTOBER 2008 AT 6.00 P.M.**

**CONFERENCE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Independent Members: Mrs. N. E. Trigg (Chairman), Mr. N. A. Burke (Vice-Chairman) and Mr. S. E. Allard

Councillors: Miss D. H. Campbell JP, S. P. Shannon and E. C. Tibby

Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

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

### **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 14th August 2008 (Pages 1 - 6)
4. Monitoring Officer's Update Report (Pages 7 - 18)

[To receive a report from the Monitoring Officer on matters of relevance to the Committee, and to include the following:

- (a) Member Investigations and Associated Matters;
- (b) Complaints for Local Assessment; and
- (c) Member Training:
  - (i) To note Member training relating to ethical governance issues which has been undertaken since the last meeting of the Committee and training which has been arranged for the future;
  - (ii) Update on Training Programme for Parish Councils; and
  - (iii) Review of the Ethical Framework elements of the Member Development Programme.]

5. Parish Councils' Representatives' Update Report  
[To receive an oral update from the Parish Councils' Representatives on matters of relevance to the Committee.]
6. Issues arising from Standards Board for England Bulletin 40 (Pages 19 - 22)  
[To consider two issues arising from the Standards Board for England (SBE) Bulletin 40 relating to adjournment of local assessment decisions and joint Ombudsman/SBE investigations.]
7. Review of the Council's Confidential Reporting Code (Pages 23 - 38)  
[To undertake a review the Council's Confidential Reporting Code.]
8. Consultation Paper on new Codes of Conduct for Local Authority Members and Employees (Pages 39 - 84)  
[To consider the Department of Communities and Local Government consultation paper entitled "Communities in Control: Real people, real power - Codes of conduct for local authority members and employees" and to make recommendations to Council on the Council's response.]
9. Annual Ombudsman Statistics (Pages 85 - 104)  
[To provide the Committee with information regarding the Council's Annual Letter from the Local Government Ombudsman's office as to complaints recorded against the Council during the 12 month period ending 31st March 2008, together with information regarding the Council's performance compared with other districts in Worcestershire.]
10. Work Programme (Pages 105 - 110)  
[To consider the Work Programme for the Committee.]
11. 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

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA  
8th October 2008

# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 14TH AUGUST 2008 AT 6.00 P.M.

PRESENT: Independent Members: Mr. N. A. Burke (Vice-Chairman, in the Chair) and Mr. S. E. Allard  
Councillors: E. C. Tibby  
Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

Observers: Mr. S. Malek (Deputy Parish Councils' Representative) and Councillor S. R. Peters

Officers: Mrs. C. Felton, Mrs. D. Warren and Ms. D. Parker-Jones

#### 17/08 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs. N. E. Trigg (Chairman), Councillor Miss. D. H. Campbell JP and Councillor S. P. Shannon.

#### 18/08 DECLARATIONS OF INTEREST

Mr. J. Cypher declared a personal interest in agenda item 5 (Report on Alleged Breach of the Code of Conduct), as a member and Vice-Chairman of Alvechurch Parish Council.

#### 19/08 MINUTES

The minutes of the meetings of the Standards Committee held on 20th May and 12th June 2008 were submitted.

**RESOLVED** that the minutes be approved as correct records.

#### 20/08 COUNCIL DECISIONS ON STANDARDS COMMITTEE MATTERS

A report advising of the decisions made by the Council in relation to the appointment of Independent Members and Parish Council Representatives to the Standards Committee was submitted.

It was noted that as a consequence of the decision reached in relation to the term of office of Independent Members, an advertisement would appear in the press in September for a replacement for Mr. Allard, whose second term of office was due to expire at the end of October 2008. Any recommendation in relation to Mr Allard's replacement would then be considered by the Council at its meeting on 12th November 2008.

**RESOLVED** that the report be noted.

21/08 **REPORT ON ALLEGED BREACH OF THE CODE OF CONDUCT**

The Committee considered a report on an alleged breach of the Code of Conduct.

On 17th March 2008 the Standards Board for England had referred to the Monitoring Officer, for local investigation under section 60(2) of the Local Government Act 2000 (Standards Board reference SBE: 21308.08), an allegation, made by Councillor Mrs. J. M. L. A Griffiths, that at a meeting of Alvechurch Parish Council on 11th February 2008 Councillor Puckering had breached the Code of Conduct by failing to declare an interest in Rowney Green Playgroup.

A report of the Investigating Officer dated 9th July 2008, which had found that Councillor Puckering had not failed to comply with the Code of Conduct, was considered. The Committee was asked to determine whether, based on the facts set out in the report, it agreed with the Investigating Officer's finding that Councillor Puckering had not failed to comply with the Code, or whether it believed there was a case to answer.

**RESOLVED** that, having considered the report of the Investigating Officer, the Investigating Officer's finding of no failure to comply with the Code of Conduct be accepted.

The reasons for the Committee's decision were as follows:

- (i) At its meeting on 11th February 2008 the Parish Council did not consider or take a decision on whether to make a payment to Rowney Green pre-school; instead, the authorisation of the payments list was an administrative function required as part of the financial procedures of the Parish Council.
- (ii) The Parish Council was not therefore considering business which affected a personal interest of Councillor Puckering.
- (iii) There was, therefore, no requirement for Councillor Puckering to declare an interest, either personal or prejudicial.
- (iv) The Committee agreed with the Investigating Officer's finding that the dates on which the Parish Council considered and took a decision on whether to make a payment to Rowney Green pre-school were at the meeting of the Parish Council's Finance and General Purposes Committee on 26th November 2006 and the meeting of the Parish Council on 11th December 2006.

22/08 **MONITORING OFFICER'S UPDATE REPORT**

**Member Investigations/associated matters**

In relation to Member investigations under the old regime, Members were advised that there was:

- (i) the Investigating Officer's report before them that evening;
- (ii) an investigation being conducted by the Standards Board for England into allegations that a district councillor may have breached the Code of



- Conduct - for which a provisional finding had been reached and the final decision of which was expected within the next few weeks; and
- (iii) a further Investigating Officer's report which had found that there had been a breach of the Code and for which a final determination hearing would be taking place on 26th September 2008.

Regarding Member investigations under the new (local assessment) regime, it was reported that 5 complaints had been referred to the Standards Board for investigation, all of which had been accepted by the Standards Board. It was noted that the Standards Board's performance indicator for completion of investigations was 90% within six months of acceptance of a referral.

#### Complaints for Local Assessment

Officers provided statistical data on complaints received for local assessment since the introduction of the new regime on 8th May 2008. It was noted that a total of 9 complaints had so far been received, all of which had been assessed. In addition to the 5 cases which had been referred to, and accepted by, the Standards Board for investigation, 3 cases had resulted in no further action being taken and in 1 case the matter had been referred for other action, which the Subject Member had subsequently complied with.

#### Member Training

It was agreed/noted that:

- (i) standards committee training, to be conducted by Beth Evans of Bevan Brittan Solicitors, would take place on Monday, 3rd November 2008, an invitation to which would be extended to all Members in the event of their wishing to act as substitutes on the Committee. The training would include two identical sessions, one to be run from 2pm to 5pm and the other from 6pm to 9pm;
- (ii) any identified gaps in standards committee training which needed to be addressed prior to 3rd November would be met by one-to-one training sessions with officers;
- (iii) Mr. Cypher would shortly be meeting with Mr. Malek, the new Deputy Parish Council's Representative, to run through the role of the Parish Councils' Representatives on the Standards Committee;
- (iv) Chairmanship training for Independent Members of the Committee would take place in early November 2008, following the appointment of Mr. Allard's replacement; and
- (v) officers had provided training on the Code of Conduct and Members' Register of Interests forms for Hunnington and Finstall Parish Councils, which had proven to be successful. Officers would also be attending the next Parish Council Forum in September and it was further noted that the training programme for parish councils was due to be considered by the Committee at its meeting in October.

Publicity of the new regime

In view of the responsibility on the Authority to ensure that the complaints process was duly publicized, officers advised that an article on the new regime would appear in the November issue of Together Bromsgrove, as a previous request for this to be included in the summer edition had unfortunately been overlooked. There would also be a press release to accompany the article for the Independent Member vacancy, which as well as detailing the role of an Independent Member, would advise as to how local assessment tied in with this and how complaints could be made against councillors. The complaints form on the website was also due to be looked at to ensure this was as user friendly as possible.

**RESOLVED** that the updates provided be noted.

23/08 **PARISH COUNCILS' REPRESENTATIVES UPDATE REPORT**

Mr. Cypher reported that since the last meeting of the Standards Committee there had been no meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC), the next meeting of which was due to take place on 3rd September 2008. Mr. Cypher added that he would be taking forward some matters to that meeting, including parish councils giving publicity to their individual Codes of Conduct (following an article which had appeared in Alvechurch News in relation to the Alvechurch Code) and Members' Register of Interests forms (to flag up issues such as the completion of forms and the position in relation to co-opted Members). These matters would then be discussed at the Parish Council Forum in September.

The Deputy Monitoring Officer requested that Mr. Cypher highlight the fact that parish councils had previously been requested to forward a hard copy of their respective Codes of Conduct to the Council. Although parish councils had adopted their individual Codes some did not appear to have hard copies of these available, headed up with the name of their parish council and setting out whether these included the optional paragraphs to the Code, which they were required to do should any members of the public ask to see these.

**RESOLVED:**

- (a) that the position be noted; and
- (b) that Mr. Cypher raise the issue of the individual parish council Codes of Conduct at the next meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC).

24/08 **LOCAL ASSESSMENT - ASSESSMENT CRITERIA AND ISSUES ARISING**

Members considered the Assessment Criteria for use by the Assessment Sub-Committee. It was noted that the criteria had been tweaked by individual sub-committees as the process of local assessment had evolved and that further changes could be made to this in the future, as appropriate. A slight amendment to the running order of the questions was agreed, with question 9 to appear before questions 7 and 8.

Both Members and officers agreed that the local assessment process so far had been very successful, particularly in view of the fact that all of the cases which had been referred to the Standards Board had been accepted.

**RESOLVED** that, subject to the amendment detailed in the preamble above, the Assessment Criteria be noted and approved.

25/08 **THE IMPACT OF THE ETHICAL FRAMEWORK FOR LOCAL GOVERNMENT IN ENGLAND**

The Committee noted the literature contained in the agenda papers in relation to the Council's selection for, and participation in, a five-year case study, commissioned by the Standards Board for England and to be conducted by the Centre for Local & Regional Government Research (CLRGR) at Cardiff University, on the impact and effectiveness of the ethical framework in local government in England.

The Council had been selected as one of nine local authorities in the country to take part in the research. The Monitoring Officer advised that, following lengthy discussions with Dr. James Downe of CLRGR, she had accepted the invitation for this based on the numbers of complaints which had already been made since the introduction of the new regime and the fact that the Standards Board had advised that it was very pleased with the work which the Council had undertaken in this area.

**RESOLVED** that the position be noted.

26/08 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme, which included additional items on Ombudsman Complaint Statistics 2007/08 - Neighbouring Authorities (October 2008) and a 12 month review of the local assessment process (June 2009).

**RESOLVED** that the Work Programme be approved.

The meeting closed at 7.02 p.m.

Chairman

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## BROMSGROVE DISTRICT COUNCIL

### STANDARDS COMMITTEE

16 OCTOBER 2008

#### MONITORING OFFICER'S REPORT

|                              |                                   |
|------------------------------|-----------------------------------|
| Responsible Portfolio Holder | Cllr Roger Smith                  |
| Responsible Head of Service  | Claire Felton, 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 those items.

#### 2. RECOMMENDATION

- 2.1 Members are requested to note the report.
- 2.2 Members are requested to consider the development of a training programme for parish councils and how this should be approached.
- 2.3 Members are requested to consider whether any further training on the ethical governance should be included in the Member Development Programme, and if so, to give thought as to how this can be best approached, the content of the training and how it should be delivered.

#### 3. BACKGROUND

##### **Member Investigations and Associated Matters**

- 3.1 A complaint was made to the Standards Board for England (SBE) in February 2008 (and was therefore not subject to the local assessment process which did not come into effect until May 2008) relating to a district councillor ref: SBE21553.08. The SBE decided to retain the matter for investigation by one of its Ethical Standards Officers who has decided that no further action should be taken. The SBE has prepared a Case Summary which is appended to this report as Appendix 1. No action is required; the Committee is simply asked to note the Case Summary.
- 3.2 The Standards Committee recently carried out a final determination of a complaint against a district councillor; this arose from a complaint made before the local assessment regime came into force. All complaints made prior to the introduction of the local assessment regime have now been disposed of.

- 3.3 Of the complaints received since the introduction of the local assessment regime, currently, 4 complaints (2 of which arise from the same incident) are being investigated by the SBE. It is not known when those investigations are likely to be concluded. No matters are subject to local investigation and there are no other outstanding complaints at present.

#### **Complaints for Local Assessment**

- 3.4 Since the last meeting of the Standards Committee no complaints have been received and none have been assessed by the Assessment Sub-Committee. A table showing the cumulative totals is attached to this report as Appendix 2.

#### **Member Training**

- 3.5 The Monitoring Officer will provide an oral update on any training relating to ethical governance issues which has been undertaken since the date of the last meeting of this Committee.

- 3.6 The following training on ethical governance issues has been arranged:

- Standards Committee training – 3 November 2008; this has been extended to all Bromsgrove District Councillors, all Redditch Borough Councillors, key officers of both Bromsgrove District Council and Redditch Borough Council and to the Chairmen of the parishes within Bromsgrove and Redditch. The training will be provided by Beth Evans of Bevan Brittan.

#### **Training - Parish Councils**

- 3.7 Officers are arranging a further workshop session on declaring interests with a parish council which should take place before the next meeting of the Standards Committee.

- 3.8 Members are also requested to consider the issue of developing a training programme for parish councils on ethical governance issues. Clearly it would be appropriate to liaise with the parish councils in the district on this, either through the Parish Forum or through the Area CALC meetings. Members are requested to give thought as to how this can be best approached, the content of the training and how it should be delivered.

#### **Review of the Ethical Framework elements of the Member Development Programme**

- 3.9 Members are requested to consider whether any further training on the ethical governance should be included in the Member Development Programme, and if so, to give thought as to how this can be best approached, the content of the training and how it should be delivered.

#### **Oral Update**

- 3.10 The Monitoring Officer will provide an oral update on any other matters at the meeting.

#### **4. FINANCIAL IMPLICATIONS**

4.1 None

#### **5. LEGAL IMPLICATIONS**

5.1 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**

6.1 This item does not link directly with any Council objectives.

#### **7. RISK MANAGEMENT**

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**

8.1 None

#### **9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 None

#### **10. VALUE FOR MONEY IMPLICATIONS**

10.1 None

## 11. 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 |

## 12. OTHERS CONSULTED ON THE REPORT

|   |                   |
|---|-------------------|
| Portfolio Holder                                | <b>No</b>         |
| Chief Executive                                 | <b>No</b>         |
| Executive Director - Partnerships and Projects  | <b>No</b>         |
| Executive Director - Services                   | <b>No</b>         |
| Assistant Chief Executive                       | <b>No</b>         |
| Head of Service                                 | <b><u>Yes</u></b> |
| Head of Financial Services                      | <b>No</b>         |
| Head of Legal, Equalities & Democratic Services | <b><u>Yes</u></b> |
| Head of Organisational Development & HR         | <b>No</b>         |
| Corporate Procurement Team                      | <b>No</b>         |

## 13. WARDS AFFECTED

All wards

## 14. APPENDICES

Appendix 1 Case summary of the Standards Board for England in relation to complaint ref: SBE21553.08



Appendix 2 Table showing complaints received during the municipal year

**15. BACKGROUND PAPERS**

None

**CONTACT OFFICER**

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Tel: (01527) 881429 and 01527 881609

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## Case summary

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Manchester M1 1BB

Enquiries: 0161 817 5300  
Fax: 0161 817 5499

[enquiries@standardsboard.co.uk](mailto:enquiries@standardsboard.co.uk)  
[www.standardsboard.co.uk](http://www.standardsboard.co.uk)

|                        |  |
|------------------------|--|
| <b>SBE case number</b> | SBE21553.08  |
| <b>member</b>          | Councillor David McGrath   |
| <b>authority</b>       | Bromsgrove District Council  |
| <b>allegation</b>      | The member disclosed confidential information and failed to treat others with respect. |
| <b>date received</b>   | 18 March 2008  |
| <b>date completed</b>  | 26 August 2008   |
| <b>SBE outcome</b>     | The ethical standards officer found that no action needs to be taken                   |

## **Summary**

The complainant alleged that Councillor David McGrath breached Bromsgrove District Council's Code of Conduct by disclosing confidential information in contravention of section 103 of the Representation of the People (Amendment) Regulations 2002.

It was alleged that Councillor McGrath provided a copy of the full Register of Electors for the district to a police officer for the purpose of inviting single occupant residents to a church Christmas lunch.

Councillor McGrath did not dispute that he provided a copy of the register to a local police officer for the purpose above, but when advised by council officers he immediately and successfully retrieved it.

The ethical standards officer took into consideration that Councillor McGrath had taken these steps and also concluded that the disclosure was reasonable and made in the public interest and in good faith. However, it did not comply with the reasonable requirements of the council, which were very clear and which the council had highlighted to Councillor McGrath. Therefore, the ethical standards officer considered that Councillor McGrath had failed to comply with the Code by making the disclosure. However, given Councillor McGrath's good intentions and his quick action once he realised he needed to retrieve his copy of the register, the ethical standards officer did not consider that Councillor McGrath had brought his office or authority into disrepute.

**relevant paragraphs of the Code of Conduct**

The allegations in this case relate to paragraphs 2(b) and 3(a) of the Code of Conduct. Paragraph 2(b) states that a member must "treat others with respect". The allegation in this case relates to Paragraph 3(a) of the Code of Conduct. Paragraph 3(a) states that "a member must not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so".

**recommendations**

Ends.



**Local Assessment  
Quarterly and Cumulative Statistics**

| <b>Period</b>         | <b>New complaints received</b> | <b>Complaints assessed</b> | <b>Reviews conducted</b> | <b>No further action</b> | <b>Referred for other action</b> | <b>Referred for local investigation</b> | <b>Referred to SBE...</b> | <b>.. and accepted by SBE</b> | <b>Final determinations</b> |
|-----------------------|--------------------------------|----------------------------|--------------------------|--------------------------|----------------------------------|---|---------------------------|-------------------------------|-----------------------------|
| Apr–<br>June<br>2008  | 9                              | 9                          | 0                        | 3                        | 1                                | 0                                       | 5                         | 5                             | 0                           |
| July–<br>Sept<br>2008 | 0                              | 0                          | 0                        | 0                        | 0                                | 0                                       | 0                         | 0                             | 1                           |
| <b>Total</b>          | 9                              | 9                          | 0                        | 3                        | 1                                | 0                                       | 5                         | 5                             | 0                           |

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## BROMSGROVE DISTRICT COUNCIL

### STANDARDS COMMITTEE

16 OCTOBER 2008

#### ISSUES ARISING FROM SBE BULLETIN 40

|                              |                                   |
|------------------------------|-----------------------------------|
| Responsible Portfolio Holder | Cllr Roger Smith                  |
| Responsible Head of Service  | Claire Felton, Monitoring Officer |
| Non-Key Decision             |                                   |

#### 1. SUMMARY

- 1.1 Members are requested to consider two issues arising from the Standards Board for England (SBE) Bulletin 40 relating to adjournment of local assessment decisions and joint Ombudsman/SBE investigations.

#### 2. RECOMMENDATION

- 2.1 Members are requested to note the report and to formulate a response to the SBE on the issue of adjourning local assessment decisions.

#### 3. BACKGROUND

- 3.1 Members will have received the latest Bulletin from the SBE. It raises two issues for consideration by the Committee:

##### **Seeking views on adjourning local assessment decisions (pages 5 and 6 of the Bulletin)**

- 3.2 When assessing a complaint, one option open to the Assessment Sub-Committee is to give directions to the Monitoring Officer to take "other action". The SBE has found that some standards committees are reluctant to direct the Monitoring Officer to deal with a case by way of other action when they may not know enough about the circumstances of the case, and do not know whether the member complained about will cooperate with that other action. This is especially true when there does not appear to be any sanction against a member who fails to cooperate with other action, other than perhaps another complaint based on disrepute. It has been suggested that one way around this difficulty is for the standards committee to adjourn consideration of a case they think might be suitable for other action, and ask the monitoring officer to find out whether the member will cooperate.
- 3.3 The SBE has asked for comments on this proposal by 23 September 2008. The SBE has, however, confirmed that it is in order for this Council to submit its views following this meeting and that those views will be considered. Members are therefore requested to read the relevant section

of the Bulletin with a view to discussing it at the meeting to formulate a response to the SBE.

### **Standards Board and Ombudsman Joint Investigations**

- 3.4 The Bulletin states that the SBE would expect to accept that complaints which involve allegations of both maladministration and a breach of the Code are an exceptional circumstance justifying the referral of the investigation to the SBE so that the two investigations can be organised in the most effective and timely way. In short, the SBE has indicated that it will be sympathetic to a request to investigate a complaint arising from incidents that have also resulted, or are likely to result, in an Ombudsman case or an audit enquiry.
- 3.5 Officers anticipate some difficulties with this proposal, as in many cases the issues will be slightly different, and the ability to request the SBE to investigate such a matter will depend upon the order in which the various complaints are received. There are also some issues of confidentiality which would need to be considered in each case.
- 3.6 However, Members are requested to note this.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 None

## **5. LEGAL IMPLICATIONS**

- 5.1 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. The LGPIHA 2007 extended the powers of the SBE and Local Government Ombudsman.

## **6. COUNCIL OBJECTIVES**

- 6.1 This item does not link directly with any Council objectives.

## **7. RISK MANAGEMENT**

- 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**

8.1 None

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 None

**10. VALUE FOR MONEY IMPLICATIONS**

10.1 None

**11. 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 |

**12. OTHERS CONSULTED ON THE REPORT**

|  |                   |
|--|-------------------|
| Portfolio Holder                               | <b>No</b>         |
| Chief Executive                                | <b>No</b>         |
| Executive Director - Partnerships and Projects | <b>No</b>         |
| Executive Director - Services                  | <b>No</b>         |
| Assistant Chief Executive                      | <b>No</b>         |
| Head of Service                                | <b><u>Yes</u></b> |

|   |                   |
|---|-------------------|
| Head of Financial Services                      | <b>No</b>         |
| Head of Legal, Equalities & Democratic Services | <b><u>Yes</u></b> |
| Head of Organisational Development & HR         | <b>No</b>         |
| Corporate Procurement Team                      | <b>No</b>         |

**13. WARDS AFFECTED**

All wards

**14. APPENDICES**

None

**15. BACKGROUND PAPERS**

None

**CONTACT OFFICER**

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## BROMSGROVE DISTRICT COUNCIL

### STANDARDS COMMITTEE

16 OCTOBER 2008

#### CONFIDENTIAL REPORTING CODE

|                              |                                   |
|------------------------------|-----------------------------------|
| Responsible Portfolio Holder | Cllr Roger Smith                  |
| Responsible Head of Service  | Claire Felton, Monitoring Officer |
| Non-Key Decision             |                                   |

#### 1. SUMMARY

- 1.1 The Standards Committee is responsible for monitoring and reviewing the Council's Confidential Reporting Code on an ongoing basis. The Committee is requested to undertake such a review.

#### 2. RECOMMENDATION

- 2.1 That Members either:

2.1.1 recommend to Council that the Articles of Constitution be amended so as to transfer responsibility for reviewing and monitoring the Confidential Reporting Code to the Audit Board;

or alternatively

2.1.2 identify the role to be performed by the Standards Committee in reviewing and monitoring the Confidential Reporting Code to enable officers to prepare a suitable report for the next meeting of the Standards Committee.

#### 3. BACKGROUND

- 3.1 The Confidential Reporting Code ("the Code") is essentially a "whistle-blowing" code which allows officers to report concerns or allegations about, for example:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other workers;
- damage to the working environment;
- the unauthorised use of public funds;
- misappropriation of money, materials and equipment, or other irregularities;
- possible fraud and corruption;

- sexual or physical abuse of clients; or
- other unethical conduct.

3.2 The Code is designed to allow officers to report such matters secure in the knowledge that their concerns will be investigated properly and that they will not be victimised, harassed or marginalised because of the fact that they have reported the conduct in question. A copy of the Code is at Appendix 1. The current Confidential Reporting Code was introduced in March 2007. The draft Code, prepared by the Council's Audit Team, was considered by the Standards Committee at its meeting on 21 February 2007 at which it made recommendations to Council.

#### **The role of the Standards Committee**

3.3 The Council's Articles of Constitution state, and indeed have for some time stated, that it is the role of the Standards Committee to monitor and review the Confidential Reporting Code. This is the first occasion on which the Standards Committee has been requested to monitor or review the Code.

3.4 However, Members will note that the Code itself anticipates that the operation of the Code should be reported to the Audit Board (paragraph 7.1 of the Code) and Members are requested to consider whether the Audit Board is in fact better placed to consider this. The Code does not relate to Members' conduct and indeed the key issues covered by the Code, for example the unauthorised use of public funds, misappropriation of money, possible fraud and corruption and health and safety risks fall within the remit of the Audit Board.

3.5 Members are therefore asked to consider making a recommendation to Council that the Articles of Constitution be revised to transfer this responsibility to the Audit Board.

3.6 If Members are minded not to do so, the Committee is requested to consider and identify the role it should perform in relation to the Code; is it concerned with reviewing the wording of the document, whether complaints made are being properly processed and investigated, whether it has contributed to good practice, whether it is adequately publicised or other roles. This will enable officers to prepare an appropriate report for the next meeting of the Committee.

#### **4. FINANCIAL IMPLICATIONS**

4.1 None.

#### **5. LEGAL IMPLICATIONS**

5.1 The Public Interest Disclosure Act 1998 provides the statutory basis for the Code.

**6. COUNCIL OBJECTIVES**

6.1 This item does not link directly to any of the Council's objectives.

**7. RISK MANAGEMENT**

There are no significant risks associated with this report.

**8. CUSTOMER IMPLICATIONS**

8.1 None.

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 None.

**10. VALUE FOR MONEY IMPLICATIONS**

10.1 None

**11. 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 |

**12. OTHERS CONSULTED ON THE REPORT**

|  |     |
|--|-----|
| Portfolio Holder                               | Yes |
| Chief Executive                                | Yes |
| Executive Director - Partnerships and Projects | No  |
| Executive Director - Services                  | Yes |
| 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         | No  |
| Corporate Procurement Team                      | No  |

**13. WARDS AFFECTED**

All

**14. APPENDICES**

Appendix 1 The Code

**15. BACKGROUND PAPERS**

None

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# **Confidential Reporting Code**

## Confidential Reporting Code

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### **1. Introduction**

- 1.1 This Code applies to all staff working for the Council, both full and part time, temporary and casual and it also covers agency and contractor staff. Reference to workers within this Code covers all of these categories.
- 1.2 Although not covered by the Public Interest Disclosure Act 1998, Members are also encouraged to use this Code to raise concerns to ensure a consistent protocol is applied.
- 1.3 Workers are often the first to realise that there may be something wrong within the Council. However, they may not express their concerns or make allegations because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.4 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect workers and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.
- 1.5 This Code makes it clear that workers can do so without fear of victimisation, subsequent discrimination or disadvantage. This Code is intended to encourage and enable workers to raise concerns or make allegations within the Council rather than overlooking a problem or 'blowing the whistle' outside. Anyone responsible for victimising a worker who uses this Code will be subject to disciplinary action.
- 1.6 This Code, when applicable, also applies to suppliers and those providing services under a contract with the Council.
- 1.7 This Code is in addition to the Council's Code of Conduct, Local Disciplinary Procedure, Grievance Procedure, Harassment Policy, Complaints Process and other policies and procedures.
- 1.8 This Code has been discussed with the relevant trade unions and has their support.

## **2. Aims and Scope of the Code**

- 2.1 This Code aims to:
  - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
  - provide avenues for you to raise those concerns or make allegations and receive feedback on any action taken;

- ensure that you receive a response to your concerns or allegations and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 This Code is not intended to cover concerns that can be progressed under existing Human Resource procedures. There are existing procedures in place for workers to legitimately complain about harassment, violence and aggression, discrimination and instances where they feel they have a grievance. The Confidential Reporting Code is intended to cover concerns or allegations that fall outside the scope of other procedures. These concerns or allegations include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other workers;
- damage to the working environment;
- the unauthorised use of public funds;
- misappropriation of money, materials and equipment, or other irregularities;
- possible fraud and corruption;
- sexual or physical abuse of clients; or
- other unethical conduct.

2.3 The above does not represent an exhaustive list of areas covered by this Code. Any serious concern that you have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported, together with any allegations that you may wish to make, under the Code. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience, or the standards that you believe the Council subscribes to;
- is against the Council's Financial Standing Orders, Financial Regulations, Contracts Procedure Rules or general procurement procedures;
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This Code does not replace the Corporate Complaints Procedure.

### **3. The Public Interest Disclosure Act 1998**

3.1 The Public Interest Disclosure Act 1998, called the "Whistleblowers Act" provides protection for workers who disclose information that

might otherwise be regarded as confidential. The Act makes it clear that where the nature of such a disclosure falls into one of six categories detailed below and the manner of the disclosure is one permitted by the Act; workers will have protection in law from detrimental action by the employer. The six categories are:

1. a criminal offence has been, is being, or is about to be committed;
2. the employer is failing to comply with legal obligations;
3. a miscarriage of justice has happened or is likely to happen;
4. an individual's health and safety is being jeopardised;
5. the environment is, or is likely to be damaged; or
6. information falling into one of the above categories which has been, is being or is likely to be, deliberately concealed.

3.2 An worker does not have to show that, for example, a criminal offence has been committed. He or she has to have a reasonable belief that this is the case. It will be for an employment tribunal to decide whether or not such a belief was reasonable.

3.3 The Act gives protection to workers who make disclosures to specified persons in various circumstances. Protection applies where a disclosure is made:

- to the employer or to another responsible person provided the worker acts in good faith;
- in the course of obtaining legal advice; or
- to a person or body prescribed by the Secretary of State, provided the worker acts in good faith and reasonably believes the information falls within the potentially protected categories and is substantially true.

3.4 The Act also gives protection to workers who make "external" disclosures to persons other than listed above. Workers however will only be protected under this general category if they have previously disclosed the matter to the employer or a prescribed body or have not done so because they reasonably believe they would have been victimised or evidence would have been concealed or destroyed. They must also:

- make the disclosure in good faith;
- reasonably believe that the information, and any associated allegation, are substantially true;
- not act for personal gain; and
- act reasonably.

3.5 In deciding whether a worker has acted reasonably, all the circumstances will be taken into account but in particular:

- the identity of the person to whom the disclosure is made;
- the seriousness of the relevant offence;
- whether the offence is continuing or is likely to occur in the future;
- whether the disclosure is made in breach of a duty of confidentiality owed by the employer to any other person;
- any action the employer or prescribed person might reasonably be expected to take as a result of a previous disclosure; and
- whether in making the disclosure to the employer the worker complied with any procedure approved by the employer.

3.6 In disclosing “exceptionally serious” breaches, i.e. where the subject of the disclosure is sufficiently serious to disclose it to persons other than detailed in paragraph 3.3, the worker will be protected as long as:

- the disclosure is made in good faith;
- the worker believes that the information disclosed and any associated allegation are substantially true;
- the disclosure is not made for personal gain;
- the matter disclosed is of an exceptionally serious nature; and
- in all the circumstances it is reasonable for the worker to make the disclosure.

#### **4. Safeguards**

##### **a) Harassment or Victimisation of Workers**

- 4.1 The Council is committed to good practice and high standards and wants to be supportive of workers.
- 4.2 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate any harassment or victimisation (including informal pressures), and will take appropriate action, including the application of the Disciplinary Procedure, to protect a worker who raises a concern or makes an allegation in good faith.
- 4.3 In accordance with the Public Interest Disclosure Act 1998 a worker cannot be dismissed or selected for redundancy as a result of making a disclosure. In addition an employer cannot withhold a pay rise, object to a promotion or not give training.
- 4.4 This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of whistleblowing.

**b) Confidentiality**

- 4.5 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish.
- 4.6 At appropriate time, however, you may need to come forward as a witness. If whistleblowers are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for them to receive advice and support.

**c) Anonymous Allegations**

- 4.7 This Code encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.
- 4.8 In exercising this discretion the factors to be taken into account would include the:
- seriousness of the issues raised;
  - credibility of the concern or allegation; and
  - likelihood of confirming them from attributable sources.

**d) Rights and Responsibilities of Workers**

- 4.9 All workers are required to report any issue of concern regarding the provision of services or management of those services. In the majority of cases, this will be done through the usual line management channels.
- 4.10 Workers are expected to report concerns as soon they arise and avoid any unnecessary delay in doing so.
- 4.11 Other than raising concerns in good faith, workers are not required to 'prove' the truth of any allegation. However, a complainant will need to demonstrate that there are reasonable grounds for the concern, and will be expected to co-operate with any investigation that takes place.
- 4.12 When any meeting or interview is arranged, workers may, if they so wish, be accompanied by a trade union official or a workplace colleague.

**e) Untrue Allegations**

- 4.13 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. However, if you make malicious or vexatious allegations, disciplinary action may be taken against you.

## **5. How to Raise a Concern**

- 5.1 As a first step, you should normally raise concerns with your immediate line manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you have any concerns about raising the issue with your line manager then you should approach one of the following:
- The Chief Executive;
  - Section 151 Officer (Head of Financial Services);
  - Monitoring Officer (Head of Legal and Democratic Services);
  - Head of Human Resources and Organisational Development; or
  - Internal Audit Section.
- 5.2 Concerns or allegations may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
- the background and history of the concern (giving relevant dates); and
  - the reason why you are particularly concerned about the situation.
- 5.3 The earlier you express the concern, the easier it is to take action.
- 5.4 Although you are not expected to prove the truth of your concern or allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern or allegation.
- 5.5 You may invite your trade union representative, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised or allegations that you have made.
- 5.6 Workers can obtain advice and guidance on how matters of concern may be pursued from:
- Monitoring Officer (Head of Legal and Democratic Services);
  - Head of Human Resources and Organisational Development; or
  - The Human Resources and Organisational Development section.
- 5.7 The Council has also introduced a telephone line for workers to report concerns. There are two options for workers:
- If you want to remain anonymous when reporting a concern, use the full external number 01527 881697; or
  - If you are comfortable with your identify being known, use the short internal number on extension 1697.



All calls go direct to the Council's Internal Audit section for action.

## **6. How the Council Will Respond**

- 6.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- be investigated internally;
  - be referred to the Police;
  - be referred to the Council's external auditor; or
  - form the subject of an independent enquiry.
- 6.2 In order to protect individuals, the Council and those accused of misdeed or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle that the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures will normally be referred for consideration under those procedures.
- 6.3 Some concerns or allegations may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 6.4 Once a concern or allegation has been received, the Council will write to you:
- acknowledging that the concern has been received;
  - indicating how it proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a final response; and
  - inform you whether any initial enquiries have been made and whether or not further investigations will take place.
- 6.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 6.6 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union or professional association representative or a friend.
- 6.7 The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure.

- 6.8 The persons investigating the concerns will produce a written report that:
- outlines the concern / allegation;
  - details the investigation process;
  - gives the outcome of the investigation; and
  - details recommendations where appropriate.
- 6.9 The Council accepts that the worker needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will be informed of the outcome of any investigation.
- 6.10 If the person who expressed the concern is not satisfied with the outcome then they have the right to take matters further as detailed below in Section 8.

## **7. The Responsible Officer**

- 7.1 The Council's Monitoring Officer (Head of Legal and Democratic Services) has overall responsibility for the maintenance and operation of this Code. The Head of Legal and Democratic Services will report as necessary on the operation of the Code, but not on individual cases, to the Council's Audit Board.

## **8. How the Matter Can Be Taken Further**

- 8.1 This Code is intended to provide you with an avenue to raise concerns within the Council and the Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Council, the list below shows possible contact points:
- The Council's External Auditor.
  - Audit Commission (Public Interest Disclosure Line 0845 052 2646).
  - Trade Unions;
  - Professional Bodies; or
  - Police.
- 8.2 If a worker is unsure whether or how to raise a concern or wants confidential advice, contact can be made with the independent charity "Public Concern at Work" on 020 7404 6609 or at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Their lawyers can provide free confidential advice on how to raise a concern about serious malpractice at work.
- 8.3 If concerns are raised through Trade Unions or Professional Bodies then it is expected that the Trade Union / Professional Body representative will act in accordance with this Code and with the Public Interest Disclosure Act 1998 with regard to the information

disclosed. Such a disclosure made by a worker will not be treated as grounds for disciplinary action.

8.4 If workers do take the matter outside the Council, you should take into consideration the requirements in relation to the disclosure of confidential information as set out in this Code. Additionally, workers should be aware of the relevant Acts when reporting concerns, specifically:

- Public Interest Disclosure Act 1998.
- Human Rights Act 1998.
- Data Protection 1998.
- Fraud Act 2006.
- Regulations of Investigatory Powers Act 2000.
- Police and Criminal Evidence Act 1984.

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## BROMSGROVE DISTRICT COUNCIL

### STANDARDS COMMITTEE

16 OCTOBER 2008

#### CONSULTATION PAPER ON NEW CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES

|                              |                                   |
|------------------------------|-----------------------------------|
| Responsible Portfolio Holder | Cllr Roger Smith                  |
| Responsible Head of Service  | Claire Felton, Monitoring Officer |
| Non-Key Decision             |                                   |

#### 1. SUMMARY

- 1.1 On 1 October 2008 the Department of Communities and Local Government released a consultation paper entitled “Communities in Control: Real people, real power – Codes of conduct for local authority members and employees” (“the Consultation Paper”). The Council’s response to the Consultation Paper must be submitted by 24 December 2008.
- 1.2 The Committee is requested to consider the Consultation Paper and to make recommendations to Council on the Council’s response.

#### 2. RECOMMENDATION

- 2.1 That Members consider the Consultation Paper and make recommendations to Council on each of the 22 questions raised.

#### 3. BACKGROUND

##### **Consultation on changes to the Code of Conduct for Local Authority Members**

- 3.1 The Local Authorities (Model Code of Conduct) Order 2007 came into force on 1 April 2007. It introduced a new model Code of Conduct for Local Authority Members. The Council adopted its Code of Conduct, based on the model Code, with effect from 19 July 2007.
- 3.2 The Consultation Paper seeks the Council’s views on proposed changes to the model Code of Conduct. A copy of the Consultation Paper is at Appendix 1. There are essentially 4 proposed changes to the Members’ Code of Conduct which are addressed by the Consultation Paper, namely:
- 3.2.1 clarification of the application of the Code to members’ conduct when acting in a non-official capacity;

- 3.2.2 reconfiguring the Code into two distinct sections, the first dealing with members' conduct in their official capacity and the second dealing with members' conduct in their non-official capacity;
  - 3.2.3 some minor changes reflecting the Standards' Board's experience of the practical operation of the Code over the last year; and
  - 3.2.4 associated amendments to the Relevant Authorities (General Principles) Order 2001 to clarify its application to members' conduct in their non-official capacity.
- 3.3 The Council has been requested to respond to 12 questions on the proposed changes to the model Code of Conduct for local authority members.

#### **Consultation on a proposed Employees' Code**

- 3.3 In addition the Consultation Paper seeks views on the introduction of a Code of Conduct for local government employees ("the Employees' Code"). Members may recall that in August 2004 the ODPM consulted local authorities and their employees on a proposed model Employees' Code. However, the introduction of such a Code has never been implemented. The DCLG considers that the time is right to consider again the introduction of an Employees' Code.
- 3.5 It is proposed that the Employees' Code would be separated into 2 sections. The first section would set out core values applicable to all staff. The second section would set out more detailed duties for more senior employees including a duty to register certain interests to give early warning of any potential conflicts of interest and to provide assurance to the public that the employee is acting transparently.
- 3.6 The consultation Paper seeks the Council's response to 10 questions on the proposed Employees' Code.
- 3.7 At its meeting on 21 October 2008 the Corporate Management Team will consider the Consultation Paper insofar as it relates to the Employees' Code and its comments and recommendations will be included in the report to full Council to enable it to formulate the final response to the Consultation Paper.

#### **Parish Councils**

- 3.8 Both Codes referred to in the Consultation Paper will apply to parish councillors and to parish council employees. Parish Councils are being consulted in their own right on the proposed changes.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 The cost of implementing a new Members' Code of Conduct are relatively low; the new Code adopted by the Council will need to be advertised in the

local press and officer time will be required to implement the changes, including assisting parish councils where necessary. However it is anticipated that these costs will be met from existing budgets.

## **5. LEGAL IMPLICATIONS**

- 5.1 The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct and an Employees' Code, 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.

## **6. COUNCIL OBJECTIVES**

- 6.1 It is in the interests of the Council's objective of Improvement that members and officers are seen to be open and transparent when taking decisions.

## **7. RISK MANAGEMENT**

There are no significant risks associated with this report.

## **8. CUSTOMER IMPLICATIONS**

- 8.1 The Council's response to the Consultation Paper will be considered by full Council on 12 November 2008 and therefore details will be published as part of the agenda pack. When deciding the Council's response, the views and recommendations of the Standards Committee, any representations made by individual members and the views and recommendations of the Corporate Management Team (in relation to the Employees' Code only) will be taken into account.

## **9. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 9.1 It is a requirement of the Members' Code of Conduct that Members do not do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006). The Employees' Code proposes that all employees must comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.

## **10. VALUE FOR MONEY IMPLICATIONS**

- 10.1 None

**11. 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 |

**12. OTHERS CONSULTED ON THE REPORT**

|   |     |
|---|-----|
| Portfolio Holder                                | Yes |
| Chief Executive                                 | Yes |
| Executive Director - Partnerships and Projects  | No  |
| Executive Director - Services                   | Yes |
| 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         | No  |
| Corporate Procurement Team                      | No  |

**13. WARDS AFFECTED**

All

**14. APPENDICES**

Appendix 1 The Consultation Paper



**15. BACKGROUND PAPERS**

None

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Communities in control: Real people, real power  
Codes of conduct for local authority members and  
employees  
**A consultation**



Communities in control: Real people, real power  
Codes of conduct for local authority members and  
employees  
**A consultation**

October 2008

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# Chapter 1: The consultation and how to respond

## Communities in control consultation papers

- 1.1 The White Paper, *Communities in control: Real people, real power*, is about passing power into the hands of local communities. It sets out a range of policies to achieve this, building on work still in progress from the 2006 White Paper, *Strong and Prosperous Communities*.
- 1.2 This paper is the next in a series consulting on a number of policy commitments. Future consultation papers include a consultation on proposals to revise the code of recommended practice on local authority publicity, which is due to be published at the end of October. This paper invites views on proposals for revising the model code of conduct for local authority members ("the members' code"), principally to clarify its application to members' conduct in their non-official capacity. This paper also invites views on proposals for associated changes to the Relevant Authorities (General Principles) Order 2001 which sets out the general principles which govern the conduct of local authority members. Finally, it seeks comments on proposals to introduce a requirement for authorities to incorporate a code of conduct for employees, based on a statutory model code of conduct, in to the terms and conditions of employment of their employees' ("the employees' code").

## About this consultation

- 1.3 The proposals in this consultation paper relate to relevant authorities in England and police authorities in Wales.
- 1.4 Following the local government White Paper, *Strong and Prosperous Communities*, issued in October 2006, the Local Government and Public Involvement in Health Act 2007 established a more locally-based conduct regime for local authority members centred on local authority standards committees. Under the new devolved regime, the Standards Board for England has become a light-touch strategic regulator, responsible for monitoring the operation of the conduct regime and giving support and guidance to standards committees and monitoring officers in discharging their new functions.
- 1.5 As part of the changes to the conduct regime, a new model code of conduct for local authority members, the Local Authorities (Model Code of Conduct) Order 2007, was introduced with effect from May



2007, on the basis that the provisions of the members' code would be reviewed in light of early experience of its practical operation.

- 1.6 Chapter 2 of this paper seeks views on proposals to clarify the members' code in its application to members' conduct when acting in a non-official capacity. It also seeks views on the operation of, and proposed revisions to, the members' code, including reconfiguring the members' code into two distinct sections, the first dealing with members' conduct in their official capacity, the second dealing with members' conduct in their non-official capacity. Finally, it seeks views on associated amendments to the Relevant Authorities (General Principles) Order 2001 to clarify its application to members' conduct in their non-official capacity.
- 1.7 Chapter 3 of this paper seeks views on the proposed introduction of a model code of conduct for local government employees, which will become part of such employees' terms and conditions of employment.
- 1.8 Particular questions on which we would welcome comments are set out in each chapter and summarised in **Annex A**. In order to aid your consideration of the proposed amendments to the current members' code, the substance of the 2007 code is reproduced at **Annex B**.
- 1.9 We are minded, subject to responses to this consultation, to implement the proposals in this consultation paper, so that they come into effect in line with the local government elections 2009.

## Who are we consulting?

- 1.10 This is a public consultation and it is open to anyone to respond to this consultation document. We would, however, particularly welcome responses from local authority members, local authority monitoring officers, local government employees, national representative bodies, local government partners and trade unions. **The consultation period runs for 12 weeks to 24 December 2008.**

## How to respond

- 1.11 Your response must be received by 24 December 2008 and may be sent by e-mail or post to:

Karl Holden  
Conduct and Council Constitutions Team  
Communities and Local Government  
Zone 5/B2, Eland House  
Bressenden Place  
London  
SW1E 5DU

e-mail: [conductcode@communities.gsi.gov.uk](mailto:conductcode@communities.gsi.gov.uk)

If you are replying by e-mail please title your response 'Response to Model Code consultation'.

It would be helpful if you could make clear in your response whether you represent an organisation or group, and in what capacity you are responding.

## What will happen to the responses?

- 1.12 The Department will take account of the responses received to this consultation before taking decisions on the legislation that will form the revised members' code, the general principles order and the new employees' code.
- 1.13 Within three months of the close of the consultation period we will analyse the responses to the consultation and produce a summary of them. This summary will be published on the Department's website at [www.communities.gov.uk](http://www.communities.gov.uk)

## Publication of responses – confidentiality and data protection

- 1.14 Information provided in response to this consultation, including personal information, may be published, or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.
- 1.15 If you want any of the information that you provide to be treated as confidential you should be aware that under the FOIA, there is a statutory Code of Practice with which public authorities must comply, and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential.
- 1.16 If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 1.17 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

## The consultation criteria

- 1.18 The UK Government has adopted a code of practice on consultations. Please see **Annex C** of this document for the criteria that apply under this code, and advice about who you should contact if you have any comments or complaints about the consultation process.

## Additional copies

- 1.19 You may make copies of this document without seeking permission. If required, printed copies of the consultation paper can be obtained from Communities and Local Government Publications, whose contact details may be found at the front of this document. An electronic version can be found at the Consultation Section of the Department's website at: [www.communities.gov.uk](http://www.communities.gov.uk).

## In context – previous consultations and relevant legislation

- 1.20 The local government White Paper, *Strong and Prosperous Communities*, issued in October 2006, set out the Government's proposals to put in place a clearer, simpler and more proportionate model code of conduct for members which would include changes to the rules on personal and prejudicial interests. This announcement followed a consultation by the Standards Board for England, *A Code for the future*, in February 2005 and the Discussion Paper *Conduct in English Local Government*, issued by the then Office for the Deputy Prime Minister in December 2005.
- 1.21 The policy proposals took form in the January 2007 consultation document, *Consultation on Amendments to the Model Code of Conduct for Local Authority Members*, which proposed the combination of the four different model codes of conduct that existed at the time (for local authorities, parish councils, national parks and police authorities) into a single consolidated model code.
- 1.22 The Local Authorities (Model Code of Conduct) Order 2007 came into force on 3 May 2007. With the members' code now in place for over a year, we believe this is an appropriate time to examine how well it has functioned in practice and consider any revisions that may be required. The proposed amendments to the members' code set out in this paper reflect discussions with the Standards Board and, in particular, their experience of the practical operation of the 2007 members' code over the last year.
- 1.23 Following the 2006 local government White Paper and the introduction of the 2007 members' code, the Local Government and Public Involvement in Health Act 2007 made provision clarifying the law in

relation to the application of the conduct regime to the conduct of members in their non- official capacity. This paper therefore also invites comments on proposals to revise the members' code and the general principles order to address the issue of the application of the conduct regime to the conduct of members in their non-official capacity.

### Code of conduct for local government employees

- 1.24 In August 2004, the then Office of the Deputy Prime Minister issued the consultation paper, *A Model Code of Conduct for Local Government Employees*. The paper consulted on a draft code defining the minimum standards of conduct that employees of relevant authorities would be expected to observe on carrying out their duties. The 2004 consultation was followed by further inquiries and consultations on matters relating to the conduct regime for local government.
- 1.25 The Department restated its commitment to introduce a model employees' code, under Section 82 of the Local Government Act 2000, in the local government White Paper 2006. However, in light of the above inquiries and consultations, and the introduction of the 2007 members' code, it was decided that the implementation of an employees' code should be delayed until the Department had an opportunity to consider the employees' code in the context of the wider review of the conduct regime for local government and the lessons learned from the implementation of the new members' code.
- 1.26 With the implementation of the new devolved conduct regime and our proposals to amend the members' code, drawing on the experience of its first year of operation, we consider that the time is right to also consult on proposals to introduce a model employees' code.

# Chapter 2: Code of conduct for local authority members

## What is the code of conduct for?

- 2.1 The public has a right to expect high standards of conduct from their elected and co-opted members. The standards of conduct expected of local authority members are set out in the members' code, which is underpinned by the ten general principles. By signing up to the members' code, a member is actively taking on a formal obligation to abide by its requirements.
- 2.2 The members' code forms the bedrock of the conduct regime and aims to promote the public's trust and confidence in their members and faith in local democracy. It does this by providing a robust set of standards of behaviour for members to abide by and work within. In doing this, the code also protects members from unreasonable expectations of behaviour being put upon them. Since May 2008, allegations that a member has failed to comply with the provisions of the members' code are considered by local authority standards committees.
- 2.3 The current members' code is set out in the Local Authorities (Model Code of Conduct) Order 2007 which applies to members of relevant authorities in England and of police authorities in Wales. On its introduction, the Government gave an undertaking that the effectiveness of the code would be reviewed after it had been in operation for some time. We believe, drawing on the Standards Board's practical experience that the members' code is, broadly, operating very well. However, as it has been in force for over a year, we consider that it is now appropriate to review the code.
- 2.4 Most importantly, we propose that the members' code be restructured by revoking the existing Order and making a new one. We propose that the new members' code will be differently formatted to the existing code, making it easier to interpret and clearer in its application, for instance by dividing it into two sections: the first dealing with members' conduct when acting in an official capacity and reflecting what is in the current code, the second dealing with members' conduct in their non-official capacity.

## Application of the code to members' conduct in their non-official capacity

- 2.5 Trust in our local authority members is one of the cornerstones of local democracy. Members should inspire trust and confidence from those who elected them, set an example of leadership for their communities and should be expected to act lawfully even when they are not acting in their role as members.
- 2.6 This view was supported by those who responded to the Standards Board for England's consultation on the members' code in 2005. Responses indicated a clear view that a member's conduct in a non-official capacity was an issue that they considered should be covered by the members' code, particularly where that conduct amounts to a criminal offence.
- 2.7 It has always been our intention for the members' code to apply to a limited extent to the conduct of members in a non-official capacity. We wish now to clarify which provisions of the members' code apply in a member's official capacity and to put beyond doubt which provisions apply to a member's conduct in a non-official capacity.
- 2.8 The need to clarify what conduct in a member's non-official capacity is covered by the members' code arose as a consequence of a court judgment in 2006. This cast doubt on the ability of the code to cover members' conduct not linked to the performance of their public duties. As was made clear by Ministers during the passage of the Local Government and Public Involvement in Health Act 2007, we consider that certain behaviour, even when there is no direct link to the member's official role, can have an adverse effect on the level of public trust in local authority members and local government as a whole.
- 2.9 We propose therefore that the new members' code should, in the section covering the conduct of members in their non-official capacity, contain the following provision prohibiting particular conduct where that conduct would constitute a criminal offence:

"Members must not bring their office or authority into disrepute by conduct which is a criminal offence".

### Consultation Question 1:

Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?

## Definition of 'criminal offence' and 'official capacity'

- 2.10 The Local Government and Public Involvement in Health Act 2007 gave the Secretary of State the power to define, for the purposes of the members' code, what constitutes a 'criminal offence'. We propose for the purpose of the members' code, that 'criminal offence' be defined as any criminal offence for which the member has been convicted in a criminal court, but for which the member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction.
- 2.11 Our intention is that offences capable of attracting fixed penalty notices should be excluded from the remit of the conduct regime. We consider that this approach will ensure that the most minor criminal offences, for example minor motoring offences, parking offences and dropping litter as well as cautions and orders falling short of a criminal conviction by a court, will not be included in the remit of the members' code. However, serious criminal offences which we consider should come under the remit of the members' code, such as assault, harassment, fraud and offences relating to child pornography will be included in the remit of the code.
- 2.12 We propose that the Standards Board for England will issue guidance for local authority standards committees on how a criminal offence should be treated in its application to the conduct regime.

### Consultation Question 2:

Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.

- 2.13 The Local Government and Public Involvement in Health Act 2007 also gave the Secretary of State power to define, for the purposes of the members' code, what constitutes 'official capacity'.
- 2.14 We propose that for the purposes of the members' code, 'official capacity' be defined as being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority.

### Consultation Question 3:

Do you agree with this definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support? Please give details.

## Offending abroad

- 2.15 We also propose that the members' code would engage with conduct committed in a foreign country, where that conduct constitutes a criminal offence in that country, but only where the conduct would also constitute a criminal offence if it was committed in the UK. However, the code would only apply if the individual was convicted in the country in which the offence was committed.

### Consultation Question 4:

Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

## What does this mean?

- 2.16 Our proposals would have the effect of providing that the only conduct in a member's non-official capacity which is engaged by the code, is conduct which constitutes a criminal offence, as defined in paragraph 2.10 above. The code may only then be applied to that conduct when the evidence that the member's conduct constituted a criminal offence is provided by the criminal conviction of the member in the courts.
- 2.17 This would mean, for example, that a member who was convicted of a criminal offence of assault or harassment could be held to have breached the code, even if the conduct, which led to the conviction took place entirely outside the member's official capacity.

## Criminal conviction of a member

- 2.18 It should be noted that a criminal conviction resulting in a custodial sentence of more than three months without the option of paying a fine is already covered by section 80 of the Local Government Act 1972, with the member automatically disqualified from office for five years. We are not proposing any changes to this legislation.

## The conduct regime

- 2.19 At present, investigations into alleged breaches of the members' code are triggered by a written allegation made to the standards committee of the local authority concerned. We propose that this continue to be the case when dealing with allegations of misconduct in relation to a member's conduct in their non-official capacity.
- 2.20 Where the allegation involves criminal activity that is, at the time of the allegation being made, being investigated by the police or prosecuted through the courts, we propose that the standards committee or the



Standards Board, as the case may be, would cease their investigation process until the criminal process had been completed. Any subsequent action under the conduct regime in respect of a member's private conduct would follow the conclusion of the criminal procedure. The member would not be suspended during the period of the criminal process.

- 2.21 For the purpose of the conduct regime, the criminal process will be considered to have been completed at the conclusion of any appeals process.

#### Consultation Question 5:

Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

### Proposed revisions to the members' code

- 2.22 This consultation paper also seeks views on the following amendments which we propose to make to the provisions of the existing code. The proposed amendments reflect discussions with the Standards Board and, in particular, the Board's experience of the practical operation of the code over the last year.
- 2.23 In order to aid your consideration of our proposed amendments to the members' code, the substance of the present code is reproduced at **Annex B** to this paper. Guidance on the provisions of the members' code is available on the Standards Board for England's website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)

#### Parish councils

- 2.24 It has been suggested that article 2(5) of the Local Authorities (Model Code of Conduct) Order 2007 be amended to apply paragraph 12(2) to parish councils, to make it mandatory for parish councils that a member with a prejudicial interest may make representations at a meeting only if members of the public are able to attend that meeting for the same purpose. Currently, if a parish council wishes this provision to apply, it must make a conscious decision to adopt paragraph 12(2) into its code. This amendment would save unnecessary administration and ensure consistency across parish councils.

#### Membership of other bodies

- 2.25 It has been suggested that paragraphs 8(1)(a)(i) and (ii) of the current members' code be amended to clarify that the sections are referring to other bodies that you are a member of or which exercise functions of a public nature, putting it beyond doubt that this is not a reference to the authority itself.

### Personal interests

2.26 It has been suggested that current wording of paragraph 8(1)(a) of the members' code could be amended to clarify that a member is required to register a gift or hospitality with an estimated value of at least £25 in his or her register of members' interests.

### Prejudicial interests

2.27 It has been suggested that paragraph 10(2) of the code be amended to remove the double negative in the current drafting, to make it clear that a prejudicial interest exists where the business of your authority affects your financial position or the financial position of a person listed in paragraph 8 of the code or it relates to the determining of any approval, consent, licence, permission or registration in relation to you or those persons listed in paragraph 8 of the code.

2.28 It has been suggested that the meaning of 'determining' in paragraph 10(2)(b) could be clarified to include variation, attaching, removing or amending conditions, waiving or revoking applications.

2.29 It has also been suggested that paragraph 10(2)(c) could be amended to clarify that a member would not have a prejudicial interest in the business of the authority where that business related to giving evidence before a local authority standards committee hearing regarding an allegation that a member of the authority had failed to comply with the code.

### Registration of members' interests

2.30 We propose that any new members' code would take into account any existing registration of members' interests. This will ensure that members who have already registered their interests in line with the 2007 model code do not have to repeat the process when the revised members' code is introduced.

#### Consultation Question 6:

Do you think that the amendments to the members' code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?

#### Consultation Question 7:

Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?

#### Consultation Question 8:

Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.

## Legislative context

- 2.31 The current members' code is set out in the Schedule to the Local Authorities (Model Code of Conduct) Order 2007 made under powers conferred on the Secretary of State by section 50 of the Local Government Act 2000.
- 2.32 Section 183 of the Local Government and Public Involvement in Health Act 2007 inserted, into section 50 of the Local Government Act 2000, a requirement for the Secretary of State to specify which provisions of the members' code apply in relation to a member's conduct when acting in an official capacity and which provisions apply when not acting in an official capacity. A provision may only be specified to apply to members' conduct when not acting in an official capacity if the conduct it prohibits constitutes a criminal offence. The power in section 50 of the Local Government Act 2000 permits the Secretary of State to define for the purposes of the members' code what is meant by "criminal offence" and what is meant by "official capacity".
- 2.33 We propose that the existing Local Authorities (Model Code of Conduct) Order 2007 be revoked and a new, revised Order would be made to reflect our proposed amendments and that part of the code applies to a member's conduct in their official capacity and part of it would apply to a member's conduct in their non-official capacity.
- 2.34 Provision is also made in section 183 of the Local Government and Public Involvement in Health Act 2007 for members to give to their authority an undertaking to observe the new code within a period prescribed by the Secretary of State. We propose that members will have two months from the date their authority adopts the new code to give a written undertaking that they will observe their authority's code. Failure to do so will mean that they cease to be members of the authority.

### Consultation Question 9:

Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?

# Proposed amendments to the General Principles

## What are the General Principles?

- 2.35 The ten General Principles, contained in the Relevant Authorities (General Principles) Order 2001, are based on the seven principles of public life set out by the Committee on Standards in Public Life. The principles underpin the provisions of the members' code, which must be consistent with these principles.
- 2.36 The ten general principles are reproduced below. The principles govern the conduct of members, and a failure to act in accordance with them may lead to a failure to comply with the members' code.

### The General Principles

#### *Selflessness*

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### *Honesty and Integrity*

2. Members should not place themselves in a situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### *Objectivity*

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

#### *Accountability*

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### *Openness*

5. Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

*Personal Judgement*

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

*Respect for Others*

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

*Duty to uphold the law*

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

*Stewardship*

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

*Leadership*

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## Proposed revisions

2.37 We propose that the Relevant Authorities (General Principles) Order 2001 be amended to make clear which principles govern the conduct of members when acting in an official capacity and which principles will apply to the conduct of members when acting in a non-official capacity, where the member's conduct would constitute a criminal offence.

2.38 We propose that the General Principles Order be amended by providing that the 10 existing principles apply to a member when acting in an official capacity and by adding a new principle which would be specified as applying to a member acting in a non-official capacity, where the member's conduct would constitute a criminal offence. We propose that the following be added to the Schedule of the Relevant Authorities (General Principles) Order 2001:

*Duty to abide by the law*

Members should not engage in conduct which constitutes a criminal offence.

**Consultation Question 10:**

Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

## Definition of 'criminal offence' and 'official capacity'

2.39 Section 49 of the Local Government Act 2000 enables the Secretary of State to define what constitutes a 'criminal offence' and what constitutes 'official capacity' in the context of the General Principles Order. For the purposes of the revised General Principles Order, we propose that 'criminal offence' be defined as any conduct that has resulted in a criminal conviction.

**Consultation Question 11:**

Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?

2.40 We propose that for the purposes of the revised General Principles Order, 'official capacity' be defined as "being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority".

**Consultation Question 12:**

Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

## Legislative Context

2.41 The Relevant Authorities (General Principles) Order 2001 was made under powers conferred on the Secretary of State in section 49 and 105 of the Local Government Act 2000. Section 183 of the Local Government and Public Involvement in Health Act 2007 modified section 49 of the 2000 Act and it is this modification that requires the Secretary of State to specify which general principles apply to a person when acting in an official capacity and when acting in an non-official capacity.

# Chapter 3: Model code of conduct for local government employees

## Is an employees' code needed?

- 3.1 A code of conduct for local government employees (“employees’ code”) should provide the staff of an authority with an effective ethical framework within which to work and it should give that authority’s citizens confidence that an authority’s staff are working on their behalf in an appropriate manner.

### **Consultation Question 13:**

Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees’ terms and conditions of employment, is needed?

## The employees’ code in context

- 3.2 In August 2004, the (then) Office of the Deputy Prime Minister consulted on a model code of conduct for local government employees. Responses indicated that the model code of conduct consulted on was not adequate, but also that the universal application of a code to all staff would be needlessly bureaucratic as all employees would be subject to the same code regardless of their position. There was support for following the model of the Welsh code of conduct, which only applies to a certain category of defined senior officer. Alternatively, the code could be restricted to those who exercise executive, regulatory or overview and scrutiny powers under the authority’s scheme of delegation to officers.
- 3.3 Another view in response to the consultation paper was that certain aspects of the code (eg registration of interests), could be limited to senior officers while other more universal aspects should be applicable to all - for instance, it is beyond question that all employees should behave with honesty and integrity.
- 3.4 Many local authorities already have a code of conduct for employees in addition to, or part of, their standard terms and conditions of employment. These codes range from simple statements agreeing to act with propriety to comprehensive documents covering everything

from political neutrality to intellectual property matters. These codes of conduct are also integrated into the authority's discipline procedures.

- 3.5 It is not intended that the employees' code be a burden on authorities or employees. The code should not constrain an authority's ability to develop its own code reflecting local needs and conditions. We consider that authorities should be free to adopt supplementary provisions beyond the employees' code in order to provide their staff with an effective ethical framework within which to work.

## Application of the employees' code

- 3.6 We propose that the employees' code would apply to all relevant authorities and police authorities in Wales, as defined in Section 49 of the Local Government Act 2000. We are proposing that a model employees' code - a model code that authorities may augment if they wish - be introduced, which will be incorporated into local government employees' terms and conditions of employment.
- 3.7 However, we do not propose to apply the employees' code where it is not needed, for instance to employees in professions that are covered by their own code of conduct; firefighters, teachers, community support officers, solicitors etc.

### Consultation Question 14:

Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?

### Consultation Question 15:

Are there any other categories of employee in respect of whom it is not necessary to apply the code?

- 3.8 We propose a two-tier model. The first tier, drawing on the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, will apply equally to all authority employees and will enshrine the core values that it is reasonably expected every authority employee would abide by. The second tier, drawing on the members' code, will apply to 'qualifying employees', that is; either senior officials or those officials carrying out delegated functions.
- 3.9 With the members' code in place, and members having to abide by that code, there is a reasonable expectation that officials undertaking functions delegated to them by members would have to abide by the same conduct regime as members when performing those functions.



## Proposed core values

### **The model employees' code: core values for all employees**

#### **General principles**

The public is entitled to expect the highest standards of conduct from all local government employees. The role of such employees is to serve their employing authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

#### **Accountability**

Employees are accountable, and owe a duty to, their employing authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

#### **Political neutrality**

Employees, excluding political assistants, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities.

#### **Relations with members, the public and other employees**

Mutual respect between employees and members is essential to good local government and working relationships should be kept on a professional basis. Employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently and without bias.

#### **Equality**

Employees must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

#### **Stewardship**

Employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

#### **Personal interests**

An employee must not allow their private interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.

Employees should abide by the rules of their authority about the declaration of gifts offered to or received by them from any person or body seeking to

do business with the authority or which would benefit from a relationship with that authority. Employees should not accept benefits from a third party unless authorised to do so by their authority.

### Whistleblowing

Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the model code of conduct for employees, the employee should report the matter, acting in accordance with the employees rights under the Public Interest Disclosure Act 1998 and with the authority's confidential reporting procedure or any other procedure designed for this purpose.

### Treatment of Information

Openness in the dissemination of information and decision making should be the norm in authorities. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

### Appointment of staff

Employees of the authority, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, those employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

### Investigations by monitoring officers

Where a monitoring officer is undertaking an investigation in accordance with Part III of the Local Government Act 2000 and associated regulations, employees must comply with any requirement made by that monitoring officer in connection with such an investigation.

#### Consultation Question 16:

Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?

## Beyond the core values

### Who are the 'qualifying employees'?

- 3.10 There are two alternatives for selecting those 'qualifying employees' to which, in addition to the core values of the employees' code, some of the restrictions and expectations of the members' code should apply.
- 3.11 The first is based on the approach taken to determining which posts in an authority are 'politically restricted' under section 3 of the Local Government and Housing Act 1989, and assumes that certain posts are senior or influential enough to warrant controls placed on the activities of postholders. Certain posts would be designated as qualifying employees.
- 3.12 The second is the delegation model, which would see qualifying employees selected on the basis that they perform functions delegated to them by elected members under section 101 of the Local Government Act 1972.

#### Consultation Question 17:

Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?

## The model employees' code: values for qualifying employees

### Compromising the impartiality of officers of the authority

A qualifying employee must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the authority, either directly or as a response to pressure from others. A qualifying employee should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity.

### Using your position improperly

A qualifying employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

### Considering advice provided to you and giving reasons

If a qualifying employee seeks advice, or advice is offered to them, on aspects of how the employees' code applies, the qualifying employee must have regard to this advice.

### Personal interest

Qualifying employees must register, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the authority's monitoring officer or, in the case of a parish council, through the parish clerk.

The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

These are:

- Your membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- Any business you might own or have a share in, where that shareholding is greater than £25,000 or have a stake of more than 1/100<sup>th</sup> of the value or share capital of the company.
- Any contracts between the authority and any company you have an interest in, as above.
- Any land or property in the authority's area in which you have a beneficial interest.

A qualifying employee may seek to exempt their personal interests from the register of interests if they consider, for instance that having this information on record might put themselves or others at risk. In such cases, the qualifying employee should discuss the matter with their monitoring officer.

#### **Consultation Question 18:**

Should the code contain a requirement for qualifying employees to publicly register any interests?

#### **Consultation Question 19:**

Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?

### **Prejudicial interest**

A prejudicial interest is considered to be a matter which affects the qualifying employee's financial interest or relates to a licensing or regulatory matter in which he or she has an interest and where a member of the public, who knows the relevant facts, would reasonably think that his or her personal interest is so significant that it is likely to prejudice his or her judgement of the public interest.

A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where for instance approval for a licence may affect a body with which the qualifying employee has a personal interest or will affect him or her personally.

Qualifying employees with a prejudicial interest should declare such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

**Consultation Question 20:**

Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code. Have any been omitted?

**Consultation Question 21:**

Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

## Contractors, partners and part time staff

3.13 Local authorities have an increasingly complex relationship with the private sector in its work with contractors, partners and part time staff. We consider that rather than attempt to determine centrally when and when not to apply the employees' code not just to local government employees, but those working on behalf of local government, it will be for local authorities themselves to decide, in agreeing contracts, partnership agreements or terms and conditions of employment, if and how the employees' code, in whole or in part, should apply.

## Parish councils

3.14 The members' code applies to parish councillors as well as members of larger authorities, and it seems reasonable therefore for the ethical framework of the employees' code to apply to parish council employees. We recognise that the environment that parish councillors operate within is different to that of larger authorities and are conscious that what is consider to be a reasonable expectation in the employees' code for larger councils, may prove to be difficult for parish councils.

3.15 That being the case, we would welcome responses from parish councils on any particular aspect of the employees' code that might present difficulties and how those difficulties could be overcome.

**Consultation Question 22:**

Should the employees' code extend to employees of parish councils?

## Legislative context

3.16 Section 82(7) of the Local Government Act 2000, provides that the provisions of a code made under section 82(1) of that Act will be deemed to be incorporated in employees' terms and conditions of employment.

# Annex A: List of consultation questions

## Chapter 2: Code of conduct for local authority members

- Question 1 Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?
- Question 2 Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.
- Question 3 Do you agree with this definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support? Please give details.
- Question 4 Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?
- Question 5 Do you agree that an ethical investigation should not proceed until the criminal process has been completed?
- Question 6 Do you think that the amendments to the members' code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?
- Question 7 Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?
- Question 8 Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.
- Question 9 Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?
- Question 10 Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

- Question 11 Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?
- Question 12 Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

### Chapter 3 Model Code of Conduct for local authority employees

- Question 13 Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees' terms and conditions of employment, is needed?
- Question 14 Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?
- Question 15 Are there any other categories of employee in respect of whom it is not necessary to apply the code?
- Question 16 Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?
- Question 17 Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?
- Question 18 Should the code contain a requirement for qualifying employees to publicly register any interests?
- Question 19 Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?
- Question 20 Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code? Have any been omitted?
- Question 21 Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?
- Question 22 Should the employees' code extend to employees of parish councils?



# Annex B

## SCHEDULE

### THE MODEL CODE OF CONDUCT

#### Part 1

#### General provisions

#### **Introduction and interpretation**

1.—(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State.

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a)

the authority;

(b)

the executive of the authority;

(c)

any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

#### **Scope**

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

**3.—**(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

**4.** You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## Part 2 Interests

### **Personal interests**

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a

firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests,

you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

### **Prejudicial interest generally**

**10.**—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

**11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority’s executive or another of your authority’s committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

**12.**—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority’s standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### Part 3

#### Registration of Members’ Interests

##### **Registration of members’ interests**

**13.**—(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority’s register of members’ interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority’s monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority’s monitoring officer.

##### **Sensitive information**

**14.**—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority’s monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority’s monitoring officer asking that the information be included in your authority’s register of members’ interests.

(3) In this Code, “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

# Annex C: Consultation Code of Practice

- A.1 The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.
- A.2 Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies; unless Ministers conclude that exceptional circumstances require a departure.

## The Consultation Criteria

- Consult widely throughout the process, allowing a minimum of
  - 12 weeks for written consultation at least once during the development of the policy
  - Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
  - Ensure that your consultation is clear, concise and widely accessible.
  - Give feedback regarding the responses received and how the consultation process influenced the policy.
  - Monitor your department's effectiveness at consultation, including through the use of a designated consultation coordinator.
  - Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.
- A.3 The full consultation code of practice may be viewed at: [www.bre.berr.gov.uk/regulation/consultation/code/index.asp](http://www.bre.berr.gov.uk/regulation/consultation/code/index.asp).

A.4 Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact:

Consultation Co-ordinator  
Communities and Local Government  
Zone 6/H10  
Eland House  
Bressenden Place  
London  
SW1E 5DU

email: [consultationcoordinator@communities.gsi.gov.uk](mailto:consultationcoordinator@communities.gsi.gov.uk)





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## BROMSGROVE DISTRICT COUNCIL

### STANDARDS COMMITTEE

16TH OCTOBER 2008

#### ANNUAL OMBUDSMAN STATISTICS

|                              |                                   |
|------------------------------|-----------------------------------|
| Responsible Portfolio Holder | Councillor Roger Smith            |
| Responsible Head of Service  | Claire Felton, Monitoring Officer |
| Non-Key Decision             |                                   |

#### 1. SUMMARY

The purpose of this report is to provide Members with information regarding the Council's Annual Letter from the Local Government Ombudsman's office as to complaints recorded against this Council during the 12 month period ending 31st March 2008, and information regarding the performance of Bromsgrove District Council (BDC) as compared with the other districts in Worcestershire.

#### 2. RECOMMENDATION

Members are requested to receive and note the contents of the Annual Letter from the Local Government Ombudsman and the additional information regarding the other districts and make any recommendations to the Council as necessary.

#### 3. BACKGROUND

- 3.1 The provisional annual statistics of complaints made to the Local Government Ombudsman (LGO) were previously reported to the Standard's Committee and considered at the meeting held on 12th June 2008. Since that report was prepared the final statistics for Bromsgrove and all local authorities in England have been confirmed and published by the LGO. The information for Bromsgrove is set out in the Annual Letter to the Council dated 18th June 2008. A copy of the letter and statistical data is attached at Appendix A.
- 3.2 The table of statistics is almost identical to that previously reported to the Committee in June. The only change to note is that on the final statistics there was a slight decrease in response time to first enquiries. The provisional statistics recorded this figure as 28.3 days which was slightly over the recommended response time of 28 days. In the final statistics this figure has reduced to 27.4 days which brings the Council within the recommended response time (albeit only by a small amount). Members are referred to the previous report for the meeting on 12th June for a detailed analysis of the statistics. The overall trends identified from the 2007/2008

statistics are positive including fewer complaints, less local settlements and faster response times.

- 3.3 With reference to comparing this Council with other district councils, attached at Appendix B is an extract from the statistics for 2007/2008 from the LGO website showing the performance of all the district councils in England, including Bromsgrove. To add some more local detail the table below sets out some of the statistics for Bromsgrove and the five other district councils in Worcestershire. The figures in italics show the same statistics for the previous year (2006/2007). Members will see that Bromsgrove continues to have the highest number of actual complaints determined. However, BDC has no greater number of complaints where there is a formal finding of maladministration (column 4) and in correlation with the higher level of complaints the highest number of findings of no maladministration. With reference to column 3, local settlements are defined as decisions to discontinue investigations because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complaint. In 2006/2007 BDC agreed 7 local settlements which involved payments of compensation to complainants. For 2007/2008 this figures has reduced to just 1.

| Authority     | Total complaints determined (excluding premature complaints) | Local settlements | Maladministration reports | No Maladministration |
|---------------|--|-------------------|---------------------------|----------------------|
| Bromsgrove    | 22 (23)  | 1 (7)             | 0 (0)                     | 13 (11)              |
| Malvern Hills | 7 (12)   | 1 (1)             | 0 (0)                     | 8 (4)                |
| Redditch      | 9 (9)  | 3 (2)             | 0 (0)                     | 3 (4)                |
| Worcs City    | 10 (7)   | 1 (0)             | 0 (0)                     | 6 (5)                |
| Wychavon      | 14 (13)  | 1 (1)             | 0 (0)                     | 7 (7)                |
| Wyre Forrest  | 7 (10)   | 0 (1)             | 0 (0)                     | 3 (3)                |

- 3.4 Members can take from these statistics that there is not a link between the number of complaints and findings of maladministration. Appendix A shows that across England as a whole Bromsgrove is not unusual in the number of complaints determined and a significant number of other district councils have levels of total complaints determined of 20 or above. The levels of complaints are monitored continually by officers. To date this year 7 ombudsman complaints have been received and officers are hopeful that this is a reflection of a continued downward trend. More information regarding the ombudsman scheme can be found at the Local Government Ombudsman's website [www.lgo.org.uk](http://www.lgo.org.uk).

**4. FINANCIAL IMPLICATIONS**

None.

**5. LEGAL IMPLICATIONS**

None.

**6. COUNCIL OBJECTIVES**

Information on complaint handling links to Improvement – Customer Service.

**7. RISK MANAGEMENT**

7.1 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.

7.2 These risks are being managed as follows:

- Through the recent introduction of the Council’s Customer First Policy which sets out a defined procedure for responding to complaints before they reach the stage of being referred to the Ombudsman.
- Through a comprehensive programme of training for all staff and managers in implementing the Customer First Policy and managing complaints.

**8. CUSTOMER IMPLICATIONS**

The statistics should enable the Council to improve service delivery to customers.

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

None

**10. VALUE FOR MONEY IMPLICATIONS**

None

**11. 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 |

**12. OTHERS CONSULTED ON THE REPORT**

|   |     |
|---|-----|
| Portfolio Holder                                | No  |
| Chief Executive                                 | Yes |
| Executive Director - Partnerships and Projects  | No  |
| Executive Director - Services                   | No  |
| 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         | No  |
| Corporate Procurement Team                      | No  |

**13. WARDS AFFECTED**

All wards

**14. APPENDICES**

Appendix A – Annual Letter on Ombudsman statistics for Bromsgrove DC plus notes to assist in interpretation.

Appendix B – Extract of statistics for District Councils in England for 2007/2008.

**15. BACKGROUND PAPERS**

None

**CONTACT OFFICER**

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Local Government  
**OMBUDSMAN**

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

**Bromsgrove District Council**  
for the year ended  
**31 March 2008**

The Local Government Ombudsman (LGO) provides 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, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

## **Annual Letter 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received 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 letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## **Complaints received**

### ***Volume***

We received 25 complaints against your Council during the year, eight fewer than last year. The reduction in complaints brings the number received closer to those for the year 2005/06.

### ***Character***

Planning and building control remains the most significant subject area with 12 complaints, nearly half of all complaints we received about your Council. But complaints in this area also showed the biggest reduction as we received six fewer than last year.

Complaints received about all other subject areas remained very similar to last year.

## **Decisions on complaints**

### ***Reports and local settlements***

When we complete an investigation we issue a report. I issued no reports against your Council.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued.

In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

One complaint against your Council was settled locally. The complaint concerned enforcement of a planning condition intended to ensure that landscaping would provide an instant visual screen of the development. The Council had accepted planting that did not meet the height or density specified in the landscaping scheme. On my recommendation, the Council revised its decision and ensured that improved planting was provided. It also paid the complainant compensation of £300.



### ***Other findings***

29 complaints were decided during the year. Of these, three were outside my jurisdiction. Seven complaints were premature and one was settled locally. In 13 complaints there was no evidence of maladministration and I exercised my discretion not to pursue the remaining five.

### **Your Council's complaints procedure and handling of complaints**

The number of premature complaints has reduced this year from nine to seven. None of these was resubmitted to me.

### **Liaison with the Local Government Ombudsman**

Our target for councils to respond to our enquiries is 28 days. Last year the Council failed to meet this target and I asked it to put in place arrangements to ensure that it would improve its response times.

This year the Council met our target and I thank it for its efforts here. We made enquiries on 13 complaints this year and the average time taken to respond was 27 days. In addition to this my investigators noted that the responses are generally clear, well presented and comprehensive.

### **Training in complaint handling**

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. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

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

### **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

## **Conclusions and general observations**

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 Council's services.

**J R White  
Local Government Ombudsman  
The Oaks No2  
Westwood Way  
Westwood Business Park  
Coventry CV4 8JB**

**18 June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

| Complaints received by subject area | Benefits | Housing | Other | Planning & building control | Public finance | Transport and highways | Total |
|-------------------------------------|----------|---------|-------|-----------------------------|----------------|------------------------|-------|
| 01/04/2007 - 31/03/2008             | 2        | 0       | 7     | 12                          | 2              | 2                      | 25    |
| 2006 / 2007                         | 3        | 1       | 6     | 18                          | 4              | 1                      | 33    |
| 2005 / 2006                         | 1        | 0       | 4     | 15                          | 1              | 2                      | 23    |

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

| Decisions               | MI reps | LS | M reps | NIM reps | No mal | Omb disc | Outside jurisdiction | Premature complaints | Total excl premature | Total |
|-------------------------|---------|----|--------|----------|--------|----------|----------------------|----------------------|----------------------|-------|
| 01/04/2007 - 31/03/2008 | 0       | 1  | 0      | 0        | 13     | 5        | 3                    | 7                    | 22                   | 29    |
| 2006 / 2007             | 0       | 7  | 0      | 0        | 11     | 1        | 4                    | 9                    | 23                   | 32    |
| 2005 / 2006             | 0       | 2  | 0      | 0        | 6      | 1        | 3                    | 6                    | 12                   | 18    |

See attached notes for an explanation of the headings in this table.

**Average local authority response times 01/04/2007 to 31/03/2008**

| Response times          | FIRST ENQUIRIES        |                            |
|-------------------------|------------------------|----------------------------|
|                         | No. of First Enquiries | Avg no. of days to respond |
| 01/04/2007 - 31/03/2008 | 13                     | 27.4                       |
| 2006 / 2007             | 18                     | 34.3                       |
| 2005 / 2006             | 7                      | 26.4                       |

| Types of authority        | <= 28 days % | 29 - 35 days % | > = 36 days % |
|---------------------------|--------------|----------------|---------------|
| District Councils         | 56.4         | 24.6           | 19.1          |
| Unitary Authorities       | 41.3         | 50.0           | 8.7           |
| Metropolitan Authorities  | 58.3         | 30.6           | 11.1          |
| County Councils           | 47.1         | 38.2           | 14.7          |
| London Boroughs           | 45.5         | 27.3           | 27.3          |
| National Park Authorities | 71.4         | 28.6           | 0.0           |



## Notes to assist interpretation of the LGO's local authority statistics 2007/08

### 1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we send to the council to consider first. The figures may include some complaints that we have received but where we have not yet contacted the council.

### 2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories for 2007/08 complaints.

**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 the authority has agreed to take some action which is considered by the Ombudsman as a satisfactory outcome for the complainant.

**M 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 Ombudsman'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 Ombudsman's jurisdiction.

**Premature complaints:** decisions that the complaint is premature. 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 usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

**Total excl premature:** all decisions excluding those where we referred the complaint back to the council as 'premature'.

### **3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

### **4. Average local authority response times 2007/08**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

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| 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 |         |
|--------------------------|--|---------|---|---------|-------------------|---------|---------------------------|---------|------------------------------|---------|-------------------------------------|---------|------------------------|---------|----------------------|---------|
|                          | 2007/08  | 2006/07 | 2007/08                                 | 2006/07 | 2007/08           | 2006/07 | 2007/08                   | 2006/07 | 2007/08                      | 2006/07 | 2007/08                             | 2006/07 | 2007/08                | 2006/07 | 2007/08              | 2006/07 |
| <b>County councils</b>   |  |         |   |         |                   |         |                           |         |                              |         |                                     |         |                        |         |                      |         |
| Bedfordshire CC          | 19   | 9       | 0                                       | 0       | 4                 | 2       | 0                         | 0       | 0                            | 0       | 8                                   | 3       | 5                      | 1       | 2                    | 3       |
| Buckinghamshire CC       | 82   | 119     | 1                                       | 0       | 10                | 16      | 0                         | 0       | 0                            | 0       | 51                                  | 77      | 10                     | 10      | 10                   | 14      |
| Cambridgeshire CC        | 28   | 23      | 0                                       | 0       | 6                 | 6       | 0                         | 0       | 0                            | 0       | 9                                   | 12      | 9                      | 1       | 4                    | 4       |
| Cheshire CC              | 44   | 40      | 0                                       | 0       | 5                 | 7       | 0                         | 0       | 0                            | 0       | 15                                  | 19      | 13                     | 9       | 11                   | 5       |
| Cornwall CC              | 27   | 38      | 1                                       | 0       | 3                 | 9       | 0                         | 0       | 0                            | 0       | 10                                  | 16      | 4                      | 8       | 9                    | 5       |
| Cumbria CC               | 29   | 21      | 0                                       | 0       | 6                 | 6       | 0                         | 0       | 0                            | 0       | 12                                  | 8       | 5                      | 4       | 6                    | 3       |
| Derbyshire CC            | 35   | 32      | 0                                       | 0       | 7                 | 9       | 0                         | 0       | 0                            | 0       | 14                                  | 15      | 8                      | 7       | 6                    | 1       |
| Devon CC                 | 47   | 38      | 1                                       | 0       | 3                 | 6       | 0                         | 0       | 0                            | 0       | 18                                  | 21      | 6                      | 4       | 19                   | 7       |
| Dorset CC                | 10   | 14      | 0                                       | 0       | 1                 | 2       | 0                         | 0       | 0                            | 0       | 4                                   | 3       | 3                      | 4       | 2                    | 5       |
| Durham CC                | 21   | 28      | 0                                       | 0       | 4                 | 3       | 0                         | 0       | 0                            | 0       | 8                                   | 12      | 4                      | 4       | 5                    | 9       |
| East Sussex CC           | 26   | 45      | 1                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 13                                  | 25      | 3                      | 6       | 6                    | 12      |
| Essex CC                 | 70   | 83      | 0                                       | 3*      | 16                | 19      | 0                         | 0       | 0                            | 0       | 28                                  | 23      | 16                     | 18      | 10                   | 20      |
| Gloucestershire CC       | 21   | 25      | 0                                       | 0       | 0                 | 3       | 0                         | 0       | 0                            | 0       | 7                                   | 14      | 6                      | 3       | 8                    | 5       |
| Hampshire CC             | 42   | 45      | 0                                       | 0       | 5                 | 6       | 0                         | 0       | 0                            | 0       | 20                                  | 21      | 10                     | 10      | 7                    | 8       |
| Hertfordshire CC         | 81   | 59      | 2                                       | 0       | 21                | 11      | 0                         | 0       | 0                            | 0       | 22                                  | 15      | 14                     | 17      | 22                   | 16      |
| Kent CC                  | 118  | 116     | 0                                       | 1       | 25                | 17      | 0                         | 0       | 0                            | 0       | 49                                  | 33      | 23                     | 40      | 21                   | 25      |
| Leicestershire CC        | 63   | 55      | 1                                       | 0       | 12                | 3       | 0                         | 0       | 0                            | 0       | 26                                  | 22      | 12                     | 12      | 12                   | 9       |
| Leicestershire CC        | 13   | 23      | 0                                       | 0       | 2                 | 2       | 0                         | 0       | 0                            | 0       | 5                                   | 12      | 5                      | 2       | 1                    | 6       |
| Lincs CC                 | 35   | 36      | 0                                       | 0       | 4                 | 7       | 0                         | 0       | 0                            | 0       | 12                                  | 16      | 8                      | 7       | 11                   | 6       |
| Lincolnshire CC          | 30   | 33      | 0                                       | 0       | 8                 | 4       | 0                         | 0       | 0                            | 0       | 8                                   | 15      | 7                      | 4       | 7                    | 10      |
| Norfolk CC               | 34   | 27      | 1                                       | 0       | 2                 | 2       | 0                         | 0       | 0                            | 0       | 9                                   | 9       | 8                      | 9       | 10                   | 7       |
| North Yorkshire CC       | 42   | 44      | 0                                       | 3       | 10                | 18      | 0                         | 0       | 0                            | 0       | 16                                  | 8       | 14                     | 6       | 2                    | 9       |
| Northamptonshire CC      | 13   | 20      | 0                                       | 1       | 3                 | 8       | 0                         | 0       | 0                            | 0       | 5                                   | 4       | 2                      | 3       | 3                    | 4       |
| Northumberland CC        | 36   | 25      | 0                                       | 1       | 7                 | 2       | 0                         | 0       | 0                            | 0       | 7                                   | 12      | 11                     | 5       | 11                   | 5       |
| Nottinghamshire CC       | 15   | 11      | 0                                       | 0       | 3                 | 3       | 0                         | 0       | 0                            | 0       | 5                                   | 4       | 5                      | 1       | 2                    | 3       |
| Oxfordshire CC           | 12   | 15      | 0                                       | 0       | 0                 | 3       | 0                         | 0       | 0                            | 0       | 8                                   | 6       | 2                      | 3       | 2                    | 3       |
| Shropshire CC            | 34   | 31      | 0                                       | 0       | 2                 | 7       | 0                         | 0       | 0                            | 0       | 23                                  | 10      | 2                      | 7       | 7                    | 7       |
| Somerset CC              | 49   | 116     | 0                                       | 4*      | 9                 | 5       | 0                         | 0       | 0                            | 0       | 23                                  | 24      | 12                     | 78      | 5                    | 5       |
| Staffordshire CC         | 31   | 29      | 0                                       | 0       | 6                 | 6       | 0                         | 0       | 0                            | 0       | 6                                   | 8       | 10                     | 4       | 9                    | 11      |
| Suffolk CC               | 81   | 64      | 0                                       | 1       | 21                | 14      | 0                         | 0       | 0                            | 0       | 18                                  | 12      | 27                     | 21      | 15                   | 16      |
| Surrey CC                | 37   | 27      | 0                                       | 0       | 6                 | 9       | 0                         | 0       | 0                            | 0       | 19                                  | 13      | 7                      | 4       | 5                    | 1       |
| Warwickshire CC          | 50   | 30      | 0                                       | 0       | 12                | 6       | 0                         | 0       | 0                            | 0       | 13                                  | 9       | 15                     | 7       | 10                   | 8       |
| West Sussex CC           | 23   | 20      | 1                                       | 0       | 6                 | 8       | 0                         | 0       | 0                            | 0       | 6                                   | 5       | 4                      | 3       | 6                    | 4       |
| Wiltshire CC             | 30   | 22      | 0                                       | 0       | 3                 | 5       | 0                         | 0       | 0                            | 0       | 15                                  | 10      | 5                      | 4       | 7                    | 3       |
| Worcestershire CC        |  |         |   |         |                   |         |                           |         |                              |         |                                     |         |                        |         |                      |         |
| <b>District councils</b> |  |         |   |         |                   |         |                           |         |                              |         |                                     |         |                        |         |                      |         |
| Adur DC                  | 12   | 13      | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 10                                  | 5       | 2                      | 5       | 0                    | 2       |
| Allerdale BC             | 11   | 7       | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 2                                   | 4       | 5                      | 2       | 2                    | 1       |
| Alnwick DC               | 6  | 7       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 3                                   | 3       | 3                      | 1       | 0                    | 3       |
| Amber Valley DC          | 22   | 23      | 0                                       | 0       | 1                 | 5       | 0                         | 0       | 0                            | 0       | 10                                  | 8       | 9                      | 4       | 2                    | 5       |
| Arun DC                  | 23   | 26      | 0                                       | 0       | 2                 | 6       | 0                         | 0       | 0                            | 0       | 0                                   | 9       | 5                      | 6       | 6                    | 5       |
| Ashfield DC              | 21   | 4       | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 12                                  | 1       | 4                      | 1       | 3                    | 2       |
| Ashford BC               | 16   | 24      | 0                                       | 0       | 0                 | 3       | 0                         | 0       | 0                            | 0       | 7                                   | 8       | 2                      | 8       | 7                    | 5       |
| Aylesbury Vale DC        | 13   | 20      | 0                                       | 0       | 3                 | 0       | 0                         | 0       | 0                            | 0       | 6                                   | 10      | 3                      | 6       | 1                    | 4       |
| Babergh DC               | 7  | 12      | 0                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 0       | 1                                   | 6       | 2                      | 2       | 2                    | 3       |



| Authority              | Total complaints determined (excluding premature complaints) |         | Maladministration and injustice reports |         | Local settlements |         | Maladministration reports |         | No maladministration reports |         | Ombudsman's discretion |         | Outside jurisdiction |         |
|------------------------|--|---------|---|---------|-------------------|---------|---------------------------|---------|------------------------------|---------|------------------------|---------|----------------------|---------|
|                        | 2007/08  | 2006/07 | 2007/08                                 | 2006/07 | 2007/08           | 2006/07 | 2007/08                   | 2006/07 | 2007/08                      | 2006/07 | 2007/08                | 2006/07 | 2007/08              | 2006/07 |
| Barrow-in-Furness BC   | 11   | 6       | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 4       | 5                      | 2       | 1                    | 0       |
| Basilston DC           | 46   | 46      | 1                                       | 0       | 17                | 15      | 0                         | 0       | 0                            | 18      | 19                     | 5       | 3                    | 9       |
| Basingstoke & Deane BC | 10   | 8       | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 3       | 2                      | 3       | 3                    | 1       |
| Bassellaw DC           | 16   | 24      | 0                                       | 0       | 6                 | 3       | 0                         | 0       | 0                            | 5       | 15                     | 3       | 4                    | 2       |
| Bedford BC             | 16   | 16      | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 8       | 5                      | 6       | 6                    | 5       |
| Berwick-upon-Tweed BC  | 7  | 7       | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 5                      | 3       | 2                    | 0       |
| Blaby DC               | 8  | 4       | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 3       | 1                      | 4       | 0                    | 1       |
| Blyth Valley BC        | 9  | 6       | 0                                       | 0       | 1                 | 2       | 0                         | 0       | 0                            | 4       | 2                      | 2       | 1                    | 1       |
| Bolsover DC            | 13   | 16      | 0                                       | 0       | 0                 | 5       | 0                         | 0       | 0                            | 7       | 4                      | 5       | 3                    | 1       |
| Boston BC              | 14   | 7       | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 5       | 5                      | 1       | 1                    | 1       |
| Braintree DC           | 18   | 22      | 0                                       | 0       | 4                 | 2       | 0                         | 0       | 0                            | 9       | 17                     | 1       | 2                    | 1       |
| Breckland DC           | 19   | 22      | 0                                       | 1       | 1                 | 1       | 0                         | 0       | 0                            | 13      | 15                     | 4       | 4                    | 1       |
| Brentwood BC           | 8  | 24      | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 6       | 16                     | 1       | 5                    | 3       |
| Bridgnorth DC          | 9  | 7       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 3       | 4                      | 1       | 3                    | 0       |
| Broadland DC           | 13   | 11      | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 7       | 7                      | 1       | 2                    | 2       |
| Bromsgrove DC          | 22   | 23      | 0                                       | 0       | 1                 | 7       | 0                         | 0       | 0                            | 13      | 11                     | 5       | 1                    | 3       |
| Broxbourne BC          | 24   | 26      | 0                                       | 0       | 3                 | 1       | 0                         | 0       | 0                            | 12      | 7                      | 6       | 15                   | 3       |
| Broxtove BC            | 3  | 8       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 1       | 4                      | 2       | 1                    | 2       |
| Burnley BC             | 21   | 18      | 0                                       | 0       | 4                 | 6       | 0                         | 0       | 0                            | 9       | 4                      | 5       | 4                    | 4       |
| Cambridge City C       | 19   | 16      | 1                                       | 0       | 4                 | 2       | 0                         | 0       | 0                            | 8       | 10                     | 4       | 3                    | 2       |
| Cannock Chase DC       | 10   | 17      | 0                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 4       | 3                      | 2       | 12                   | 1       |
| Canterbury City C      | 45   | 37      | 1                                       | 0       | 12                | 7       | 0                         | 0       | 0                            | 11      | 15                     | 12      | 8                    | 7       |
| Caradon DC             | 29   | 31      | 0                                       | 6       | 5                 | 1       | 0                         | 1       | 0                            | 12      | 13                     | 9       | 6                    | 4       |
| Carlisle City C        | 15   | 7       | 1                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 5       | 2                      | 4       | 2                    | 2       |
| Carrick DC             | 21   | 26      | 0                                       | 0       | 2                 | 5       | 0                         | 0       | 0                            | 6       | 10                     | 6       | 3                    | 8       |
| Castle Morpeth BC      | 13   | 10      | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 7       | 4                      | 0       | 3                    | 1       |
| Castle Point BC        | 22   | 10      | 0                                       | 0       | 2                 | 2       | 0                         | 0       | 0                            | 13      | 5                      | 5       | 2                    | 1       |
| Chamwood BC            | 11   | 23      | 0                                       | 0       | 1                 | 5       | 0                         | 0       | 0                            | 7       | 12                     | 1       | 6                    | 2       |
| Chelmsford BC          | 11   | 17      | 0                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 7       | 11                     | 1       | 2                    | 1       |
| Cheltenham BC          | 9  | 17      | 0                                       | 0       | 0                 | 4       | 0                         | 0       | 0                            | 9       | 8                      | 0       | 2                    | 3       |
| Cherwell DC            | 10   | 16      | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 8       | 11                     | 1       | 3                    | 1       |
| Chester City C         | 13   | 14      | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 7       | 9                      | 3       | 1                    | 4       |
| Chesterfield BC        | 32   | 13      | 0                                       | 0       | 10                | 2       | 0                         | 0       | 0                            | 19      | 7                      | 3       | 3                    | 0       |
| Chester-le-Street DC   | 12   | 9       | 0                                       | 0       | 2                 | 3       | 0                         | 0       | 0                            | 5       | 2                      | 4       | 3                    | 1       |
| Chichester DC          | 15   | 19      | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 8       | 13                     | 3       | 5                    | 1       |
| Chiltem DC             | 12   | 16      | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 5       | 8                      | 2       | 4                    | 3       |
| Chorley BC             | 6  | 6       | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 1       | 3                      | 1       | 2                    | 4       |
| Christchurch BC        | 20   | 11      | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 4       | 6                      | 14      | 5                    | 0       |
| Colchester BC          | 29   | 27      | 0                                       | 0       | 8                 | 2       | 0                         | 0       | 0                            | 10      | 13                     | 9       | 8                    | 4       |
| Congleton BC           | 6  | 5       | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 4       | 0                      | 1       | 0                    | 4       |
| Copeland BC            | 9  | 10      | 0                                       | 0       | 0                 | 3       | 0                         | 0       | 0                            | 3       | 7                      | 4       | 3                    | 3       |
| Corby BC               | 15   | 16      | 0                                       | 0       | 6                 | 8       | 0                         | 0       | 0                            | 3       | 7                      | 3       | 0                    | 1       |
| Couswold DC            | 12   | 3       | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 6       | 0                      | 2       | 1                    | 2       |
| Craven DC              | 5  | 5       | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 1       | 1                      | 3       | 3                    | 0       |
| Crawley BC             | 17   | 27      | 0                                       | 0       | 3                 | 3       | 0                         | 0       | 0                            | 11      | 14                     | 3       | 8                    | 2       |
| Crewe & Nantwich BC    | 15   | 16      | 0                                       | 0       | 4                 | 2       | 0                         | 0       | 0                            | 6       | 10                     | 3       | 1                    | 3       |



| 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 |         |
|----------------------------------|--|---------|---|---------|-------------------|---------|---------------------------|---------|------------------------------|---------|-------------------------------------|---------|------------------------|---------|----------------------|---------|
|                                  | 2007/08  | 2006/07 | 2007/08                                 | 2006/07 | 2007/08           | 2006/07 | 2007/08                   | 2006/07 | 2007/08                      | 2006/07 | 2007/08                             | 2006/07 | 2007/08                | 2006/07 | 2007/08              | 2006/07 |
| Horsham DC                       | 16   | 22      | 0                                       | 0       | 6                 | 2       | 0                         | 0       | 0                            | 0       | 3                                   | 9       | 6                      | 6       | 1                    | 5       |
| Huntingdonshire DC               | 9  | 14      | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 3                                   | 7       | 1                      | 3       | 4                    | 3       |
| Hyndburn BC                      | 11   | 8       | 0                                       | 0       | 4                 | 2       | 0                         | 0       | 0                            | 0       | 3                                   | 3       | 1                      | 2       | 3                    | 1       |
| Ipswich BC                       | 21   | 23      | 0                                       | 0       | 1                 | 3       | 0                         | 0       | 0                            | 0       | 9                                   | 7       | 8                      | 9       | 3                    | 4       |
| Isles of Scilly, Council for the | 0  | 2       | 0                                       | 1       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 0                                   | 0       | 0                      | 0       | 0                    | 0       |
| Kennet DC                        | 7  | 9       | 0                                       | 0       | 1                 | 2       | 0                         | 0       | 0                            | 0       | 3                                   | 5       | 2                      | 2       | 1                    | 0       |
| Kerrier DC                       | 16   | 14      | 0                                       | 0       | 2                 | 3       | 0                         | 0       | 0                            | 0       | 6                                   | 10      | 4                      | 1       | 4                    | 0       |
| Kettering BC                     | 23   | 13      | 0                                       | 0       | 7                 | 2       | 0                         | 0       | 0                            | 0       | 6                                   | 5       | 6                      | 2       | 4                    | 4       |
| King's Lynn & West Norfolk BC    | 20   | 26      | 1                                       | 0       | 0                 | 3       | 0                         | 0       | 0                            | 0       | 12                                  | 15      | 4                      | 6       | 3                    | 2       |
| Lancaster City C                 | 24   | 23      | 2*                                      | 0       | 1                 | 2       | 0                         | 0       | 0                            | 0       | 10                                  | 11      | 4                      | 4       | 7                    | 6       |
| Lewes DC                         | 7  | 13      | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 3                                   | 5       | 3                      | 5       | 1                    | 2       |
| Lichfield DC                     | 11   | 16      | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 10                                  | 13      | 1                      | 0       | 0                    | 2       |
| Lincoln City C                   | 15   | 12      | 0                                       | 0       | 3                 | 0       | 0                         | 0       | 0                            | 0       | 3                                   | 7       | 6                      | 3       | 3                    | 2       |
| Macclesfield BC                  | 22   | 19      | 1                                       | 1       | 4                 | 6       | 0                         | 0       | 0                            | 0       | 9                                   | 7       | 5                      | 2       | 3                    | 3       |
| Maidstone BC                     | 29   | 24      | 0                                       | 0       | 7                 | 2       | 0                         | 0       | 0                            | 0       | 11                                  | 2       | 9                      | 15      | 2                    | 5       |
| Maldon DC                        | 9  | 15      | 0                                       | 0       | 2                 | 2       | 0                         | 0       | 0                            | 0       | 6                                   | 10      | 0                      | 1       | 1                    | 2       |
| Malvern Hills DC                 | 7  | 12      | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 4                                   | 8       | 2                      | 0       | 0                    | 3       |
| Mansfield DC                     | 10   | 12      | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 6                                   | 7       | 0                      | 2       | 4                    | 2       |
| Melton BC                        | 9  | 11      | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 8                                   | 10      | 1                      | 0       | 0                    | 0       |
| Mendip DC                        | 22   | 14      | 0                                       | 0       | 5                 | 4       | 0                         | 0       | 0                            | 0       | 9                                   | 7       | 3                      | 3       | 5                    | 0       |
| Mid Bedfordshire DC              | 14   | 13      | 0                                       | 0       | 4                 | 1       | 0                         | 0       | 0                            | 0       | 5                                   | 7       | 4                      | 1       | 1                    | 4       |
| Mid Devon DC                     | 12   | 27      | 0                                       | 0       | 1                 | 6       | 0                         | 0       | 0                            | 0       | 5                                   | 16      | 6                      | 3       | 0                    | 2       |
| Mid Suffolk DC                   | 20   | 12      | 0                                       | 0       | 5                 | 2       | 0                         | 0       | 0                            | 0       | 7                                   | 5       | 6                      | 4       | 2                    | 1       |
| Mid Sussex DC                    | 12   | 15      | 0                                       | 0       | 3                 | 3       | 0                         | 0       | 0                            | 0       | 6                                   | 5       | 1                      | 5       | 2                    | 2       |
| Mole Valley DC                   | 8  | 8       | 0                                       | 0       | 5                 | 0       | 0                         | 0       | 0                            | 0       | 4                                   | 2       | 2                      | 4       | 1                    | 2       |
| New Forest DC                    | 33   | 27      | 0                                       | 0       | 2                 | 2       | 0                         | 0       | 0                            | 0       | 24                                  | 17      | 3                      | 5       | 6                    | 3       |
| Newark & Sherwood DC             | 15   | 19      | 0                                       | 0       | 2                 | 5       | 0                         | 0       | 0                            | 0       | 5                                   | 6       | 5                      | 5       | 3                    | 2       |
| Newcastle-under-Lyme BC          | 16   | 23      | 0                                       | 2*      | 3                 | 3       | 0                         | 0       | 0                            | 0       | 11                                  | 6       | 0                      | 6       | 2                    | 6       |
| North Cornwall DC                | 16   | 25      | 0                                       | 0       | 1                 | 4       | 0                         | 0       | 0                            | 0       | 12                                  | 13      | 1                      | 6       | 2                    | 2       |
| North Devon DC                   | 21   | 22      | 0                                       | 0       | 1                 | 4       | 0                         | 0       | 0                            | 0       | 11                                  | 9       | 2                      | 6       | 7                    | 3       |
| North Dorset DC                  | 8  | 11      | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 4                                   | 3       | 2                      | 3       | 2                    | 4       |
| North East Derbyshire DC         | 13   | 15      | 0                                       | 0       | 2                 | 7       | 0                         | 0       | 0                            | 0       | 6                                   | 4       | 4                      | 2       | 1                    | 2       |
| North Hertfordshire DC           | 23   | 14      | 0                                       | 0       | 2                 | 4       | 0                         | 0       | 0                            | 0       | 11                                  | 3       | 4                      | 4       | 6                    | 3       |
| North Kesteven DC                | 20   | 15      | 0                                       | 0       | 3                 | 1       | 0                         | 0       | 0                            | 0       | 11                                  | 12      | 4                      | 2       | 2                    | 0       |
| North Norfolk DC                 | 36   | 36      | 0                                       | 10*     | 2                 | 4       | 0                         | 0       | 0                            | 0       | 10                                  | 15      | 20                     | 4       | 4                    | 3       |
| North Shropshire DC              | 20   | 28      | 0                                       | 0       | 3                 | 4       | 0                         | 0       | 0                            | 0       | 10                                  | 13      | 5                      | 4       | 2                    | 7       |
| North Warwickshire BC            | 3  | 2       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 2                                   | 2       | 0                      | 0       | 0                    | 0       |
| North West Leicestershire DC     | 27   | 8       | 0                                       | 0       | 6                 | 1       | 0                         | 0       | 0                            | 0       | 15                                  | 4       | 3                      | 2       | 3                    | 1       |
| North Wiltshire DC               | 23   | 14      | 0                                       | 1       | 17                | 6       | 0                         | 0       | 0                            | 0       | 5                                   | 3       | 6                      | 2       | 5                    | 2       |
| Northampton BC                   | 50   | 56      | 1                                       | 0       | 18                | 22      | 0                         | 0       | 0                            | 0       | 11                                  | 11      | 9                      | 16      | 11                   | 7       |
| Norwich City C                   | 18   | 26      | 0                                       | 0       | 4                 | 10      | 0                         | 0       | 0                            | 0       | 4                                   | 12      | 3                      | 2       | 7                    | 2       |
| Nuneaton & Bedworth BC           | 14   | 17      | 0                                       | 0       | 5                 | 4       | 0                         | 0       | 0                            | 0       | 6                                   | 8       | 1                      | 4       | 2                    | 1       |
| Oadby & Wigston BC               | 3  | 2       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 2                                   | 1       | 0                      | 1       | 1                    | 0       |
| Oswestry BC                      | 11   | 13      | 1                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 0       | 6                                   | 0       | 2                      | 13      | 1                    | 0       |
| Oxford City C                    | 27   | 30      | 0                                       | 2       | 7                 | 7       | 0                         | 0       | 0                            | 0       | 13                                  | 3       | 2                      | 5       | 5                    | 13      |
| Pendle BC                        | 14   | 17      | 0                                       | 0       | 2                 | 3       | 0                         | 0       | 0                            | 0       | 6                                   | 7       | 6                      | 2       | 0                    | 5       |



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|----------------------------|--|---------|---|---------|-------------------|---------|---------------------------|---------|------------------------------|---------|-------------------------------------|---------|------------------------|---------|----------------------|---------|
|                            | 2007/08  | 2006/07 | 2007/08                                 | 2006/07 | 2007/08           | 2006/07 | 2007/08                   | 2006/07 | 2007/08                      | 2006/07 | 2007/08                             | 2006/07 | 2007/08                | 2006/07 | 2007/08              | 2006/07 |
| Daonum BC                  | 17   | 26      | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 7                                   | 11      | 6                      | 6       | 1                    | 7       |
| Darford BC                 | 11   | 13      | 0                                       | 0       | 1                 | 4       | 0                         | 0       | 0                            | 0       | 9                                   | 2       | 1                      | 4       | 0                    | 3       |
| Deventry DC                | 10   | 14      | 0                                       | 0       | 5                 | 1       | 0                         | 0       | 0                            | 0       | 4                                   | 8       | 0                      | 0       | 1                    | 5       |
| Derbyshire Dales DC        | 11   | 16      | 0                                       | 0       | 0                 | 3       | 0                         | 0       | 0                            | 0       | 8                                   | 9       | 1                      | 2       | 2                    | 2       |
| Derwentside DC             | 15   | 20      | 0                                       | 0       | 3                 | 1       | 0                         | 0       | 0                            | 0       | 5                                   | 11      | 6                      | 3       | 1                    | 5       |
| Dover DC                   | 24   | 17      | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 7                                   | 3       | 13                     | 9       | 3                    | 4       |
| Durham City C              | 14   | 20      | 1                                       | 0       | 3                 | 5       | 0                         | 0       | 0                            | 0       | 5                                   | 13      | 5                      | 1       | 0                    | 1       |
| Easington DC               | 25   | 16      | 0                                       | 0       | 6                 | 7       | 0                         | 0       | 0                            | 0       | 13                                  | 3       | 4                      | 5       | 2                    | 1       |
| East Cambridgeshire DC     | 13   | 11      | 4*                                      | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 6                                   | 4       | 0                      | 2       | 0                    | 3       |
| East Devon DC              | 26   | 29      | 0                                       | 0       | 1                 | 6       | 0                         | 0       | 0                            | 0       | 18                                  | 13      | 2                      | 5       | 5                    | 5       |
| East Dorset DC             | 10   | 12      | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 0       | 3                                   | 8       | 1                      | 1       | 5                    | 2       |
| East Hampshire DC          | 8  | 18      | 0                                       | 0       | 3                 | 3       | 0                         | 0       | 0                            | 0       | 5                                   | 11      | 0                      | 1       | 0                    | 3       |
| East Hertfordshire DC      | 12   | 12      | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 5                                   | 2       | 3                      | 4       | 4                    | 5       |
| East Lindsey DC            | 42   | 51      | 0                                       | 0       | 3                 | 6       | 0                         | 0       | 0                            | 0       | 26                                  | 24      | 7                      | 12      | 6                    | 9       |
| East Northamptonshire DC   | 11   | 9       | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 6                                   | 3       | 0                      | 1       | 3                    | 3       |
| East Staffordshire DC      | 6  | 7       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 2                                   | 4       | 3                      | 1       | 1                    | 2       |
| Eastbourne BC              | 19   | 28      | 0                                       | 0       | 3                 | 3       | 0                         | 0       | 0                            | 0       | 10                                  | 13      | 2                      | 7       | 4                    | 5       |
| Eastleigh BC               | 12   | 12      | 1                                       | 0       | 3                 | 1       | 0                         | 0       | 0                            | 0       | 3                                   | 8       | 2                      | 2       | 3                    | 1       |
| Eden DC                    | 5  | 8       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 0                                   | 3       | 2                      | 3       | 3                    | 2       |
| Ellesmere Port & Neston BC | 18   | 6       | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 8                                   | 2       | 4                      | 1       | 3                    | 1       |
| Elmbridge BC               | 22   | 18      | 0                                       | 0       | 2                 | 3       | 0                         | 0       | 0                            | 0       | 9                                   | 8       | 6                      | 4       | 5                    | 3       |
| Epping Forest DC           | 10   | 29      | 0                                       | 3*      | 1                 | 4       | 0                         | 0       | 0                            | 0       | 4                                   | 11      | 1                      | 9       | 4                    | 2       |
| Epsom & Ewell BC           | 7  | 7       | 0                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 0       | 3                                   | 4       | 2                      | 2       | 0                    | 0       |
| Erewash BC                 | 10   | 10      | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 4                                   | 4       | 2                      | 2       | 2                    | 2       |
| Exeter City C              | 22   | 16      | 0                                       | 0       | 3                 | 6       | 0                         | 0       | 0                            | 0       | 6                                   | 6       | 9                      | 1       | 4                    | 3       |
| Fareham BC                 | 10   | 5       | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 6                                   | 2       | 0                      | 2       | 1                    | 1       |
| Fenland DC                 | 15   | 24      | 0                                       | 0       | 9                 | 9       | 0                         | 0       | 0                            | 0       | 4                                   | 10      | 1                      | 1       | 1                    | 4       |
| Forest Heath DC            | 9  | 11      | 2*                                      | 0       | 3                 | 0       | 0                         | 0       | 0                            | 0       | 2                                   | 5       | 1                      | 2       | 1                    | 4       |
| Forest of Dean DC          | 8  | 14      | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 2                                   | 5       | 2                      | 2       | 1                    | 5       |
| Fyde BC                    | 15   | 11      | 0                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 0       | 7                                   | 5       | 4                      | 3       | 2                    | 2       |
| Gedling BC                 | 14   | 17      | 0                                       | 0       | 4                 | 2       | 0                         | 0       | 0                            | 0       | 9                                   | 10      | 0                      | 3       | 1                    | 2       |
| Gloucester City C          | 3  | 17      | 0                                       | 0       | 0                 | 4       | 0                         | 0       | 0                            | 0       | 1                                   | 5       | 0                      | 4       | 2                    | 4       |
| Gosport BC                 | 2  | 5       | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 0       | 1                                   | 3       | 0                      | 1       | 0                    | 1       |
| Gravesham BC               | 15   | 11      | 0                                       | 0       | 1                 | 4       | 0                         | 0       | 0                            | 0       | 8                                   | 3       | 3                      | 3       | 3                    | 1       |
| Great Yarmouth BC          | 22   | 19      | 0                                       | 0       | 2                 | 6       | 0                         | 0       | 0                            | 0       | 13                                  | 8       | 2                      | 1       | 5                    | 4       |
| Guildford BC               | 15   | 11      | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 8                                   | 4       | 4                      | 4       | 2                    | 2       |
| Hambleton DC               | 17   | 18      | 0                                       | 0       | 1                 | 3       | 0                         | 0       | 0                            | 0       | 11                                  | 11      | 5                      | 2       | 0                    | 2       |
| Harborough DC              | 6  | 14      | 0                                       | 0       | 0                 | 3       | 0                         | 0       | 0                            | 0       | 4                                   | 6       | 1                      | 3       | 1                    | 2       |
| Harlow DC                  | 17   | 23      | 0                                       | 0       | 6                 | 13      | 0                         | 0       | 0                            | 0       | 8                                   | 5       | 1                      | 2       | 2                    | 3       |
| Harrogate BC               | 30   | 21      | 0                                       | 1       | 0                 | 3       | 0                         | 0       | 0                            | 0       | 18                                  | 9       | 8                      | 4       | 4                    | 4       |
| Hart DC                    | 17   | 13      | 0                                       | 0       | 3                 | 3       | 0                         | 0       | 0                            | 0       | 9                                   | 5       | 3                      | 3       | 2                    | 2       |
| Hastings BC                | 23   | 35      | 0                                       | 0       | 1                 | 5       | 0                         | 0       | 0                            | 0       | 14                                  | 16      | 5                      | 9       | 3                    | 5       |
| Havant BC                  | 10   | 2       | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 4                                   | 1       | 3                      | 0       | 0                    | 0       |
| Hertsmere BC               | 19   | 11      | 0                                       | 0       | 5                 | 2       | 0                         | 0       | 0                            | 0       | 2                                   | 8       | 4                      | 1       | 8                    | 0       |
| High Peak BC               | 27   | 15      | 0                                       | 0       | 7                 | 10      | 0                         | 0       | 0                            | 0       | 8                                   | 3       | 11                     | 1       | 1                    | 1       |
| Hinckley & Bosworth BC     | 9  | 13      | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 2                                   | 4       | 4                      | 6       | 2                    | 2       |



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|----------------------------|--|---------|---|---------|-------------------|---------|---------------------------|---------|------------------------------|---------|-------------------------------------|---------|------------------------|---------|----------------------|---------|
|                            | 2007/08  | 2006/07 | 2007/08                                 | 2006/07 | 2007/08           | 2006/07 | 2007/08                   | 2006/07 | 2007/08                      | 2006/07 | 2007/08                             | 2006/07 | 2007/08                | 2006/07 | 2007/08              | 2006/07 |
| Penwith DC                 | 27   | 0       | 0                                       | 0       | 4                 | 8       | 0                         | 0       | 0                            | 0       | 11                                  | 9       | 4                      | 3       | 6                    | 7       |
| Preston City C             | 21   | 0       | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 0       | 5                                   | 6       | 9                      | 4       | 6                    | 1       |
| Purbeck DC                 | 17   | 5       | 0                                       | 0       | 1                 | 2       | 0                         | 0       | 0                            | 0       | 11                                  | 2       | 2                      | 0       | 3                    | 1       |
| Redditch BC                | 9  | 9       | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 3                                   | 4       | 0                      | 0       | 3                    | 3       |
| Reigate & Banstead BC      | 13   | 13      | 0                                       | 0       | 1                 | 2       | 0                         | 0       | 0                            | 0       | 7                                   | 7       | 2                      | 0       | 3                    | 4       |
| Restormel BC               | 12   | 27      | 1                                       | 0       | 2                 | 4       | 0                         | 0       | 0                            | 0       | 4                                   | 15      | 3                      | 5       | 2                    | 3       |
| Ribble Valley BC           | 7  | 8       | 0                                       | 1       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 5                                   | 5       | 1                      | 0       | 0                    | 1       |
| Richmondshire DC           | 15   | 14      | 0                                       | 0       | 0                 | 2       | 0                         | 0       | 0                            | 0       | 11                                  | 10      | 2                      | 1       | 2                    | 1       |
| Rochford DC                | 14   | 10      | 0                                       | 0       | 3                 | 0       | 0                         | 0       | 0                            | 0       | 7                                   | 7       | 2                      | 1       | 2                    | 2       |
| Rossendale BC              | 14   | 26      | 0                                       | 2*      | 3                 | 8       | 0                         | 0       | 0                            | 0       | 6                                   | 10      | 4                      | 5       | 1                    | 1       |
| Rother DC                  | 17   | 13      | 0                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 0       | 10                                  | 4       | 0                      | 5       | 5                    | 3       |
| Rugby BC                   | 15   | 13      | 0                                       | 0       | 1                 | 2       | 0                         | 0       | 0                            | 0       | 9                                   | 7       | 4                      | 3       | 1                    | 1       |
| Runnymede BC               | 10   | 24      | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 7                                   | 16      | 1                      | 6       | 2                    | 1       |
| Rushmore BC                | 9  | 8       | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 4                                   | 2       | 1                      | 2       | 3                    | 3       |
| Rushmore BC                | 8  | 5       | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 0       | 6                                   | 3       | 1                      | 2       | 0                    | 0       |
| Ryedale DC                 | 1  | 5       | 0                                       | 0       | 0                 | 0       | 1                         | 0       | 0                            | 0       | 0                                   | 2       | 0                      | 0       | 0                    | 1       |
| Salisbury DC               | 11   | 14      | 0                                       | 0       | 5                 | 3       | 0                         | 0       | 0                            | 0       | 2                                   | 4       | 0                      | 1       | 4                    | 6       |
| Scarborough BC             | 33   | 35      | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 16                                  | 20      | 11                     | 7       | 3                    | 6       |
| Sedgemoor DC               | 13   | 14      | 0                                       | 1       | 1                 | 2       | 0                         | 0       | 0                            | 0       | 4                                   | 7       | 5                      | 3       | 3                    | 1       |
| Sedgemoor DC               | 24   | 17      | 2                                       | 0       | 4                 | 0       | 0                         | 0       | 0                            | 0       | 7                                   | 9       | 9                      | 5       | 2                    | 3       |
| Selby DC                   | 14   | 24      | 0                                       | 0       | 4                 | 4       | 0                         | 0       | 0                            | 0       | 1                                   | 11      | 4                      | 5       | 5                    | 4       |
| Sevensoaks DC              | 15   | 25      | 0                                       | 0       | 6                 | 7       | 0                         | 0       | 0                            | 0       | 3                                   | 5       | 6                      | 10      | 0                    | 3       |
| Shepway DC                 | 14   | 11      | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 6                                   | 2       | 2                      | 0       | 4                    | 9       |
| Shrewsbury & Atcham BC     | 15   | 8       | 0                                       | 0       | 4                 | 1       | 0                         | 0       | 0                            | 0       | 4                                   | 2       | 4                      | 5       | 3                    | 0       |
| South Bedfordshire DC      | 4  | 5       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 1                                   | 5       | 1                      | 0       | 2                    | 0       |
| South Bucks DC             | 12   | 18      | 0                                       | 1       | 1                 | 3       | 0                         | 0       | 0                            | 0       | 7                                   | 7       | 4                      | 4       | 0                    | 3       |
| South Cambridgeshire DC    | 11   | 6       | 0                                       | 0       | 0                 | 2       | 0                         | 0       | 0                            | 0       | 7                                   | 0       | 1                      | 0       | 3                    | 4       |
| South Derbyshire DC        | 19   | 13      | 1                                       | 0       | 2                 | 4       | 0                         | 0       | 0                            | 0       | 7                                   | 4       | 5                      | 1       | 4                    | 4       |
| South Hants DC             | 9  | 8       | 0                                       | 0       | 2                 | 2       | 0                         | 0       | 0                            | 0       | 5                                   | 4       | 2                      | 2       | 0                    | 0       |
| South Holland DC           | 15   | 16      | 0                                       | 0       | 3                 | 3       | 0                         | 0       | 0                            | 0       | 5                                   | 7       | 3                      | 3       | 4                    | 3       |
| South Kesteven DC          | 11   | 8       | 0                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 0       | 6                                   | 3       | 3                      | 2       | 0                    | 2       |
| South Lakeland DC          | 9  | 15      | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 2                                   | 7       | 1                      | 5       | 4                    | 3       |
| South Norfolk DC           | 11   | 9       | 0                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 0       | 3                                   | 3       | 3                      | 2       | 3                    | 3       |
| South Northamptonshire DC  | 13   | 20      | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 7                                   | 8       | 2                      | 4       | 3                    | 7       |
| South Oxfordshire DC       | 4  | 4       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 1                                   | 3       | 3                      | 1       | 0                    | 0       |
| South Shropshire DC        | 12   | 15      | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 4                                   | 4       | 5                      | 8       | 3                    | 2       |
| South Somerset DC          | 35   | 27      | 1                                       | 0       | 2                 | 5       | 0                         | 0       | 0                            | 0       | 8                                   | 11      | 19                     | 9       | 5                    | 2       |
| South Staffordshire DC     | 5  | 8       | 0                                       | 0       | 0                 | 3       | 0                         | 0       | 0                            | 0       | 2                                   | 3       | 1                      | 1       | 2                    | 1       |
| Spelthorne BC              | 5  | 10      | 0                                       | 0       | 1                 | 3       | 0                         | 0       | 0                            | 0       | 2                                   | 4       | 1                      | 1       | 1                    | 2       |
| St Albans City C           | 33   | 22      | 0                                       | 0       | 8                 | 2       | 0                         | 0       | 0                            | 0       | 9                                   | 14      | 5                      | 2       | 11                   | 4       |
| St Edmundsbury BC          | 11   | 8       | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 0       | 4                                   | 4       | 4                      | 3       | 2                    | 1       |
| Stafford BC                | 17   | 77      | 0                                       | 1       | 4                 | 7       | 0                         | 0       | 0                            | 0       | 15                                  | 5       | 2                      | 4       | 6                    | 160     |
| Staffordshire Moorlands DC | 10   | 17      | 0                                       | 0       | 1                 | 3       | 0                         | 0       | 0                            | 0       | 5                                   | 5       | 3                      | 8       | 1                    | 1       |
| Staffordshire Moorlands DC | 17   | 18      | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 2                                   | 4       | 5                      | 1       | 6                    | 0       |
| Staveley BC                | 17   | 16      | 0                                       | 0       | 4                 | 5       | 0                         | 0       | 0                            | 0       | 13                                  | 5       | 4                      | 4       | 4                    | 2       |
| Stratford-on-Avon DC       | 26   | 16      | 0                                       | 0       | 5                 | 5       | 0                         | 0       | 0                            | 0       | 0                                   | 0       | 0                      | 0       | 0                    | 0       |



|                            | Total complaints determined (excluding premature complaints) |         | Maladministration and injustice reports |         | Local settlements |         | Maladministration reports |         | No maladministration reports |         | Ombudsman's discretion |         | Outside jurisdiction |         |
|----------------------------|--|---------|---|---------|-------------------|---------|---------------------------|---------|------------------------------|---------|------------------------|---------|----------------------|---------|
|                            | 2007/08  | 2006/07 | 2007/08                                 | 2006/07 | 2007/08           | 2006/07 | 2007/08                   | 2006/07 | 2007/08                      | 2006/07 | 2007/08                | 2006/07 | 2007/08              | 2006/07 |
| Authority                  | 12   | 13      | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 6                      | 1       | 4                    | 1       |
| Stroud DC                  | 18   | 49      | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 5                      | 2       | 39                   | 3       |
| Suffolk Coastal DC         | 10   | 14      | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 7                      | 2       | 4                    | 1       |
| Surrey Heath BC            | 14   | 14      | 0                                       | 0       | 5                 | 5       | 0                         | 0       | 0                            | 0       | 5                      | 1       | 0                    | 4       |
| Swale BC                   | 15   | 8       | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 5                      | 2       | 2                    | 1       |
| Tamworth BC                | 13   | 18      | 0                                       | 1       | 1                 | 6       | 0                         | 0       | 0                            | 0       | 3                      | 5       | 4                    | 0       |
| Tandridge DC               | 16   | 18      | 0                                       | 0       | 5                 | 4       | 0                         | 0       | 0                            | 0       | 10                     | 3       | 3                    | 0       |
| Taunton Deane BC           | 7  | 6       | 0                                       | 0       | 0                 | 1       | 0                         | 0       | 0                            | 0       | 4                      | 2       | 1                    | 0       |
| Teesdale DC                | 23   | 70      | 0                                       | 0       | 2                 | 24      | 0                         | 0       | 0                            | 0       | 36                     | 1       | 4                    | 4       |
| Teignbridge DC             | 23   | 31      | 0                                       | 0       | 2                 | 5       | 0                         | 0       | 0                            | 0       | 15                     | 5       | 5                    | 6       |
| Tending DC                 | 5  | 11      | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 6                      | 0       | 3                    | 2       |
| Test Valley BC             | 20   | 13      | 0                                       | 4       | 2                 | 4       | 0                         | 0       | 0                            | 0       | 5                      | 1       | 0                    | 2       |
| Tewkesbury BC              | 59   | 42      | 0                                       | 0       | 12                | 10      | 0                         | 0       | 0                            | 0       | 32                     | 10      | 8                    | 6       |
| Thanet DC                  | 15   | 11      | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 4                      | 6       | 4                    | 1       |
| Three Rivers DC            | 7  | 8       | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 3                      | 2       | 5                    | 0       |
| Tonbridge & Malling BC     | 24   | 20      | 0                                       | 0       | 1                 | 2       | 0                         | 0       | 0                            | 0       | 9                      | 8       | 4                    | 2       |
| Torridge DC                | 11   | 10      | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 0       | 7                      | 5       | 0                    | 4       |
| Tunbridge Wells RB         | 11   | 5       | 0                                       | 1       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 6                      | 1       | 1                    | 1       |
| Tynedale DC                | 10   | 8       | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 6                      | 4       | 1                    | 0       |
| Uttlesford DC              | 8  | 8       | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 5                      | 5       | 0                    | 3       |
| Vale of the White Horse DC | 15   | 13      | 0                                       | 0       | 4                 | 0       | 0                         | 0       | 0                            | 0       | 8                      | 4       | 3                    | 1       |
| Vale Royal BC              | 5  | 7       | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 1                      | 0       | 1                    | 2       |
| Wansbeck DC                | 18   | 14      | 0                                       | 0       | 4                 | 4       | 0                         | 0       | 0                            | 0       | 7                      | 4       | 1                    | 1       |
| Warwick DC                 | 17   | 13      | 1                                       | 0       | 6                 | 4       | 0                         | 0       | 0                            | 0       | 7                      | 1       | 1                    | 4       |
| Watford BC                 | 26   | 25      | 0                                       | 0       | 5                 | 5       | 0                         | 0       | 0                            | 0       | 10                     | 7       | 6                    | 4       |
| Waveney DC                 | 30   | 28      | 0                                       | 0       | 4                 | 10      | 0                         | 0       | 0                            | 0       | 4                      | 6       | 4                    | 5       |
| Waverley BC                | 31   | 23      | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 18                     | 3       | 2                    | 2       |
| Wealden DC                 | 17   | 24      | 0                                       | 0       | 5                 | 3       | 0                         | 0       | 0                            | 0       | 14                     | 4       | 5                    | 2       |
| Wear Valley DC             | 18   | 7       | 0                                       | 0       | 3                 | 2       | 0                         | 0       | 0                            | 0       | 8                      | 3       | 2                    | 0       |
| Wellingborough BC          | 16   | 16      | 0                                       | 0       | 5                 | 2       | 0                         | 0       | 0                            | 0       | 8                      | 3       | 5                    | 2       |
| Welwyn Hatfield DC         | 6  | 14      | 0                                       | 2       | 1                 | 3       | 0                         | 0       | 0                            | 0       | 6                      | 1       | 1                    | 1       |
| West Devon BC              | 15   | 16      | 0                                       | 0       | 2                 | 1       | 0                         | 0       | 0                            | 0       | 9                      | 3       | 4                    | 2       |
| West Dorset DC             | 13   | 13      | 0                                       | 0       | 3                 | 0       | 0                         | 0       | 0                            | 0       | 9                      | 4       | 3                    | 1       |
| West Lancashire DC         | 10   | 11      | 0                                       | 0       | 1                 | 6       | 0                         | 0       | 0                            | 0       | 4                      | 1       | 1                    | 5       |
| West Lindsey DC            | 6  | 12      | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 8                      | 2       | 2                    | 2       |
| West Oxfordshire DC        | 6  | 4       | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 0       | 1                      | 1       | 1                    | 1       |
| West Somerset DC           | 18   | 17      | 4                                       | 0       | 2                 | 5       | 0                         | 0       | 0                            | 0       | 8                      | 1       | 2                    | 2       |
| West Wiltshire DC          | 10   | 9       | 0                                       | 1       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 4                      | 2       | 5                    | 3       |
| Weymouth & Portland BC     | 21   | 27      | 0                                       | 0       | 5                 | 1       | 0                         | 0       | 0                            | 0       | 19                     | 6       | 6                    | 0       |
| Winchester City C          | 13   | 15      | 0                                       | 0       | 2                 | 0       | 0                         | 0       | 0                            | 0       | 4                      | 5       | 1                    | 6       |
| Woking BC                  | 10   | 7       | 0                                       | 0       | 1                 | 0       | 0                         | 0       | 0                            | 0       | 5                      | 2       | 2                    | 1       |
| Worcester City C           | 13   | 5       | 0                                       | 0       | 2                 | 2       | 0                         | 0       | 0                            | 0       | 7                      | 4       | 1                    | 0       |
| Worthing BC                | 14   | 13      | 0                                       | 0       | 1                 | 1       | 0                         | 0       | 0                            | 0       | 7                      | 4       | 2                    | 3       |
| Wychavon DC                | 26   | 30      | 4                                       | 0       | 4                 | 5       | 0                         | 0       | 0                            | 0       | 15                     | 6       | 5                    | 3       |
| Wycombe DC                 | 12   | 15      | 0                                       | 0       | 0                 | 3       | 0                         | 0       | 0                            | 0       | 8                      | 9       | 1                    | 2       |
| Wyre BC                    | 7  | 10      | 0                                       | 0       | 0                 | 0       | 0                         | 0       | 0                            | 0       | 3                      | 2       | 5                    | 2       |
| Wyre Forest DC             |  |         |   |         |                   |         |                           |         |                              |         |                        |         |                      |         |

## BROMSGROVE DISTRICT COUNCIL

### STANDARDS COMMITTEE

16TH OCTOBER 2008

#### WORK PROGRAMME

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

#### 1. SUMMARY

This report sets out a Work Programme for the Standards Committee.

#### 2. RECOMMENDATION

It is recommended that, subject to any amendments made to it by the Committee, the Work Programme be approved.

#### 3. BACKGROUND

3.1 The Standards Committee established a Work Programme at its meeting on 7th February 2008.

3.2 A Work Programme is beneficial to the Committee for the following reasons:

- (a) to ensure the Committee is fulfilling its roles and functions in accordance with the Council's Constitution;
- (b) to enable officers to be proactive in supporting the Committee and for the Committee to be equally proactive in introducing change to ensure the Council is an ethical organisation, which promotes and maintains high standards of conduct of elected Members, and is an organisation which relates to the community and improves the service it provides; and
- (c) the rising profile of standards committees and, in particular, the changes brought about by the introduction of the local assessment of complaints of alleged breaches by councillors of the Code of Conduct under the Local Government and Public Involvement in Health Act 2007.

3.3 The Work Programme will appear as a regular item on all Standard Committee agendas.

3.4 Officers will update the Work Programme, as appropriate, in between meetings. Any amendments to the Work Programme will be referred to the next meeting of the Committee for approval. Members of the Committee are welcome to contact officers, at any time, with suggested changes.

3.5 The Committee is asked to consider the Work Programme and to comment on this accordingly.

**4. FINANCIAL IMPLICATIONS**

None

**5. LEGAL IMPLICATIONS**

None

**6. COUNCIL OBJECTIVES**

6.1 The Work Programme is linked to the Council's Improvement Objective, Priority - Customer Service.

6.2 A Work Programme will assist in informing Members, officers and the community of the work being undertaken by the Committee in ensuring that the Council is an ethical organisation, which is proactively working towards improvement.

**7. RISK MANAGEMENT**

None

**8. CUSTOMER IMPLICATIONS**

None

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

None

**10. VALUE FOR MONEY IMPLICATIONS**

None

**11. OTHER IMPLICATIONS**

|                               |
|-------------------------------|
| Procurement Issues - None     |
| Personnel Implications - None |



|   |
|---|
| Governance/Performance Management - A Work Programme will assist the Committee in being proactive in fulfilling its role in ethical governance. |
| Community Safety including Section 17 of Crime and Disorder Act 1998 - None   |
| Policy - None   |
| Environmental - None  |

**12. OTHERS CONSULTED ON THE REPORT**

|   |     |
|---|-----|
| Portfolio Holder                                | No  |
| Chief Executive                                 | No  |
| Executive Director (Partnerships and Projects)  | No  |
| Executive Director (Services)                   | No  |
| 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         | No  |
| Corporate Procurement Team                      | No  |

**13. WARDS AFFECTED**

All Wards

**14. APPENDICES**

Standards Committee Work Programme

**15. BACKGROUND PAPERS**

None

**CONTACT OFFICER**

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**STANDARDS COMMITTEE WORK PROGRAMME**

[Note: Any items that it is proposed should be removed from the Work Programme are denoted by a strikethrough, with any new additions appearing in bold italics.]

| <b>Meeting date</b>                 | <b>Item for consideration</b>  |
|-------------------------------------|--|
| 11th December 2008                  | <ul style="list-style-type: none"><li>• Review of the operation of the Committee, including the local assessment process and training needs of Committee members</li><li>• Review of the Council's protocols on Member-Officer and Member-Member Relations</li><li>• Ombudsman Complaint Statistics - six month update (for period ending 31st September 2008)</li></ul> |
| 5th February 2009                   | <ul style="list-style-type: none"><li>• Calendar of meetings - 2009/2010</li><li>• Review of the effectiveness of the Code of Practice - Planning Services</li></ul>   |
| 2nd April 2009                      | <ul style="list-style-type: none"><li>• Second Annual Report of the Standards Committee - 2008/09 (draft)</li><li>• Review of Member training - ethical framework elements</li><li>• Review of training programme for parish councils</li></ul>  |
| June 2009<br>(date to be agreed)    | <ul style="list-style-type: none"><li>• Annual Ombudsman Complaint Statistics 2008/09 (for period ending 31st March 2009)</li><li>• Review of operation/effectiveness of the Members' Code of Conduct</li><li>• 12 month review of the local assessment process.</li></ul>   |
| August 2009<br>(date to be agreed)  | [No business is currently scheduled for this meeting as holiday commitments may necessitate cancellation of this.]   |
| October 2009<br>(date to be agreed) | <ul style="list-style-type: none"><li>• Review of Member Training - ethical framework elements</li><li>• Update on training programme for parish councils</li><li>• Review of the Council's Confidential Reporting Code ("whistle blowing" policy)</li></ul>   |

Note: All meetings will include regular items such as:

- Minutes of previous meeting(s);
- Monitoring Officer's Update Report; and
- Parish Councils' Representatives' Update Report.