

## **Mission Statement**

To Improve the Quality of Life  
For Those Who Live and Work in The District

20 March 2009

Dear Councillor

You are hereby summoned to a meeting of the Standards Committee to be held in Committee Room 2, Civic Centre, Portholme Road, Selby on **30 March 2009** commencing at **4.00pm**.

The agenda is set out below.

**1. Apologies For Absence And Notice Of Substitution**

To receive apologies for absence and notification of substitution.

**2. Disclosure of Interest**

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Section 117 of the Local Government Act 1972, and Sections 50, 52 and 81 of the Local Government Act 2000 and the Members' Code of Conduct adopted by the Council.

**3. Minutes**

To confirm as a correct record the minutes of the proceedings of the meeting of the Standards Committee held on 13 October 2008 (previously circulated and attached at pages 4 to 5).

**4. Planned Training and Development**

To note plans for Training and Development in 2009/10.

**5. Annual Standards Board Conference**

Report by the Senior Solicitor concerning conference in October 2009.  
Request for nomination of attendees.

**6. Update / Monitoring Report**

Report of the Monitoring Officer (pages 6 to 10 attached).

**7. Draft Standards Committee Annual Report 2008/09**

Report of the Monitoring Officer (pages 11 to 18 attached)

Jonathan Lund  
Monitoring Officer

**Disclosure of Interest – Guidance Notes:**

- (a) Members are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

**Dates of Future Meetings of the Standards Committee**

<b>Date of Meeting</b>	<b>Deadline Date</b>	<b>Distribution Date</b>
20 July 2009	2 July 2009	10 July 2009
12 October 2009	24 September 2009	2 October 2009
4 January 2010	14 December 2009	22 December 2009
29 March 2010	11 March 2010	19 March 2010

## Membership of the Standards Committee

Cllr C Lunn	Selby District Council
Cllr Ms M Davis	Selby District Council
Miss B Potts (Chair)	Independent Member
Ms H Putman (Vice Chair)	Independent Member
Mr B Crossdale	Parish Council Member
Mr R Parker	Parish Council Member

Enquiries relating to this agenda, please contact Ken Robinson on:

Tel: 01757 292007

Fax: 01757 292020

Email: [kerobinson@selby.gov.uk](mailto:kerobinson@selby.gov.uk)

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the STANDARDS COMMITTEE held on 13 October 2008, in Committee Room 1, The Civic Centre, Portholme Road, Selby, commencing at 5.30pm.

359	Minutes
360	Appointment of Sub Committees
361	Training Session - Determinations

Present: Miss B Potts in the Chair.

Councillors: Ms M Davis and C Lunn  
Mr B Crossdale (Parish Council representative), Mr R Parker (Parish Council representative) and Ms H Putman (Independent member).

Officials: Senior Solicitor, Democratic Services Manager and Committee Administrator

Public: 0

Press: 0

357 **Apologies for Absence**

None

358 **Disclosure of Interest**

None

359 **Minutes**

**Resolved:**

**That the minutes of the proceedings of the meeting of the Standards Committee held on 8 September 2008 with the substitution of 'Parish Council Representative' for 'Independent member' after Mr A Parkers name, be confirmed as a correct record and be signed by the Chair.**

360 **Appointment of Sub Committees**

Members were requested to appoint the membership of a Considerations and Hearing Sub Committee.

**Resolved: That a standing Considerations and Hearing Sub Committee be established comprising one of each of the following categories of member of the Standards Committee and subject to availability: one independent member, one parish representative and one district councillor.**

361

### **Training Session – Determinations**

The Senior Solicitor presented an overview of the processes involved once a complaint has been received.

Members requested details of the various sanctions that could be imposed if complaints were founded.

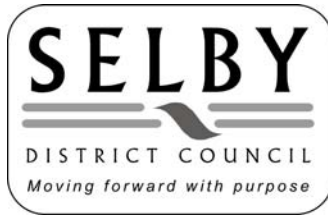
Members also requested clarification on budgets available to the Committee in relation to training fees and Decision Notice publications.

The Senior solicitor circulated a Department for Communications and Local Government consultation paper concerning possible amendments to the Code of Conduct for Local Authority members and employees.

### **Resolved:**

**That the consultation paper be considered at the committee to be held on 10 November 2008, commencing at 5pm.**

The meeting closed at 6.30pm.



**Agenda Item No: 6**

---

**Title:** Standards Committee – Case Monitoring Report

**To:** Standards Committee

**Date:** 30 March 2009

**Service Area:** Standards

**Author:** Jonathan Lund, Monitoring Officer

---

**1 Purpose of Report**

1.1 To present the current case monitoring report up to 31 March 2009

**2 Recommendation(s)**

**2.1 To receive and endorse the case monitoring report for the period ended 31 March 2009**

**3 Executive Summary**

3.1 The attached Appendix A sets out the cases current since before 8 May 2008 (when the complaints procedures changed) and those dealt with since 8 May.

**4 The Report**

4.1 The case monitoring report is set out at Appendix A.

**5 Financial Implications**

5.1 There are no financial implications

## 7 Link to Corporate Plan

- 7.1 The promotion and protection of high ethical standards is a statutory responsibility and supports the Council in the proper delivery of all of its corporate objectives and priorities

## 8 How Does This Report Link to the Council's Priorities?

- 8.1 As above

## 9 Impact on Corporate Policies

9.1	Service Improvement	No Impact
9.2	Equalities	No Impact
9.3	Community Safety and Crime	Impact
	The development, promotion and maintenance of proper standards of conduct and behaviour will promote good governance and reduce the risk of fraud and other criminal or unethical behaviour.	
9.4	Procurement	Impact/No Impact
9.5	Risk Management	Impact
	As 9.3 above	
9.6	Sustainability	No Impact
9.7	Value for Money	No Impact

## 10 Background Papers

- 10.1 None

Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SBE17065.06	1/19/2007	Referred to MO for investigation by SBE	Investigation ongoing			114	DISTRICT External investigator appointed by the MO. Draft report currently subject to comment.	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage
SBE21937.08	4/25/2008	Referred to MO for investigation by SBE	Investigation reported on 02/12/08	No breach of the Code of Conduct found.	12/2/2008	32	PARISH Last SBE complaint under the old system; Passed to SDC for local assessment on the 25th April 08.	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008001	9/2/2008	Referred to MO for investigation on 22/09/08	Investigation ongoing	Scheduled for Sub-Committee 27/04/09		30	PARISH Investigated alongside complaint SDC200809 due to similarity.	Paragraph 3 - treating others with respect; 8, 9, 10 and 12 - interests; 5 - bringing the authority into disrepute; 6 - conferring an advantage or disadvantage;
SDC2008002	9/8/2008	Referred to SBE for investigation on 22/09/08	SBE Investigation ongoing			29	PARISH SBE has advised that their investigation is nearing completion.	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute;

Grey Shading = Cases reported before the May 2009 procedure changes

MO = Monitoring Officer

SBE = Standards Board for England



SDC2008003	9/22/2008	Referred to MO for investigation on 13/10/08	Investigation ongoing	Scheduled for Sub-Committee 27/04/09		27	PARISH	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008004	9/22/2008	Referred to MO for investigation on 13/10/08	Investigation ongoing	Scheduled for Sub-Committee 27/04/09		27	PARISH	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008005	9/22/2008	Referred to MO for investigation on 13/10/08	Investigation ongoing	Scheduled for Sub-Committee 27/04/09		27	PARISH	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008006	9/23/2008	Referred to MO for investigation on 13/10/08	Investigation Completed	No breach of the Code of Conduct found.	3/9/2009	24	PARISH	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008007	9/23/2008	No further action 13/10/08		No potential breach found.	10/13/2008	3	PARISH	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute;

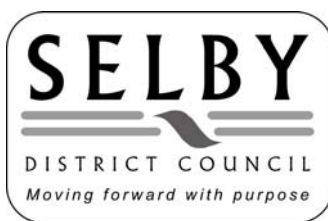
Grey Shading = Cases reported before the May 2009 procedure changes

MO = Monitoring Officer

SBE = Standards Board for England

SDC2008008	9/23/2008	Referred to MO to arrange mediation 13/10/08		No potential breach found, but considered mediation may be useful	10/13/2008	3	PARISH Parties have not been willing to engage in mediation process.	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute;
SDC2008009	12/2/2008	Referred to MO for investigation on 05/01/09		Scheduled for Sub-Committee 27/04/09		17	PARISH Investigated alongside complaint SDC200801 due to similarity.	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;

3/30/2009



---

**Title:** Standards Committee – Annual Report

**To:** Standards Committee

**Date:** 30 January 2009

**Service Area:** Standards

**Author:** Jonathan Lund, Monitoring Officer

---

**1 Purpose of Report**

- 1.1 To present for consideration the draft Annual Report of the Standards Committee for the year ended 31 March 2009.

**2 Recommendation(s)**

- 2.1 **To receive and endorse the draft Standards Committee Report for the year ended 31 March 2009**
- 2.2 **To Recommend the Council to raise the membership of the Standards Committee to nine members to comprise 3 District Councillors, 3 Parish/Town Council Representatives and 3 Independent Members**
- 2.3 **To Recommend the Council to appoint the three District Council members and to bring the process of recruiting the additional Parish and Independent members,**

**3 Executive Summary**

- 3.1 The draft Standards Committee Annual Report for the year ended 31 March 2009 reviews the work of the Committee over the past 12 months and recommends that the size of the Committee is increased from six to nine members with the appointment of 1 additional district councillor, 1 additional parish/town council representative and 1 additional independent member.

**4 The Report**

- 4.1 The draft Standards Committee Annual report for 2008/09 is attached at appendix 1.

## 5 Financial Implications

5.1 There are no financial implications

## 7 Link to Corporate Plan

7.1 The promotion and protection of high ethical standards is a statutory responsibility and supports the Council in the proper delivery of all of its corporate objectives and priorities

## 8 How Does This Report Link to the Council's Priorities?

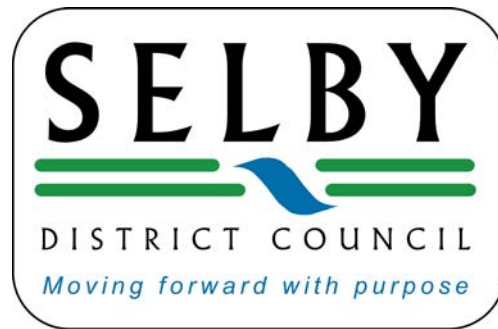
8.1 As above

## 9 Impact on Corporate Policies

9.1	Service Improvement	No Impact
9.2	Equalities	No Impact
9.3	Community Safety and Crime	Impact
	The development, promotion and maintenance of proper standards of conduct and behaviour will promote good governance and reduce the risk of fraud and other criminal or unethical behaviour.	
9.4	Procurement	No Impact
9.5	Risk Management	Impact
	As 9.3 above	
9.6	Sustainability	No Impact
9.7	Value for Money	No Impact

## 10 Background Papers

10.1 Audit Commission Ethical Governance Survey



---

## STANDARDS COMMITTEE

Annual Report 2008/09

---

March 2009

- 1 This report reviews the work of the Selby District Council Standards Committee for the year up to 31 March 2009.

## 2 MEMBERSHIP

- 2.1 The Standards Committee comprises 6 members: two district councillors; two parish/town council representatives and two independent members. The independent membership was reviewed following a recruitment exercise in early 2008. The current membership is as follows:

- 2.2 Table 1

District Councillors	Parish/Town Reps	Independent Members
Cllr Melanie Davis	Mr Bryan Crossdale	Miss Betty Potts
Cllr Cliff Lunn	Mr Roderick Parker	Ms Hilary Putman

- 2.3 Miss Potts is the Chair and Ms Putman the Vice Chair of the Standards Committee. Both are Independent Members.

## 3 STRUCTURE

- 3.1 In May 2008 new procedures were introduced nationally to give local standards committees new powers and greater responsibility for the assessment, referral, investigation and hearing of complaints of member misconduct.
- 3.2 In order to carry out the new responsibilities and in accordance with the guidance issued by the Standards Board for England (SBE) the Standards Committee established three sub-committees:
  - 3.2.1 The **Assessment Sub-Committee** (comprising 1 independent member (Chair) one parish representative and one district councillor) to make an initial assessment of a complaint and decide whether the complaint merits further investigation.
  - 3.2.2 The **Review Sub-Committee** (comprising 1 independent member (Chair) one parish representative and one district councillor) to review, at the request of a complainant, any decision by the Assessment Sub-Committee to take no action in relation to a complaint.
  - 3.2.3 The **Consideration and Hearings** Sub-Committee (comprising 1 independent member (Chair) one parish representative and one district councillor) to consider investigation reports and hold determination hearings.
- 3.3 When convening meetings of the sub-committees it is proving difficult to ensure that the membership of one does not overlap with the

membership of another in a way which might result in a conflict of interest. For this reason ***the Standards Committee is recommending to the Council that the membership of the Committee is raised by 3 to add 1 additional member in each category (independent, parish/town council and district council)***

#### **4 TERMS OF REFERENCE**

- 4.1 The Council's Constitution sets out the Terms of Reference for the Standards Committee as follows:
  - 4.1.1 The promotion and maintenance of high standards of conduct within the Council
  - 4.1.2 To advise the Council on the adoption or revision of its Code of Conduct
  - 4.1.3 To monitor, and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunal under Section 80 of the Local Government Act 2000
  - 4.1.4 Assistance to Councillors and co-opted Members of the Authority
  - 4.1.5 To ensure that all Councillors have access to training in all aspects of the Councillors Code of Conduct, that this training is actively promoted, and that Councillors are aware of the standards expected from local councillors under the code
  - 4.1.6 To advise on the adoption of a Planning Protocol and to assist Councillors to observe this Protocol. To monitor the operation of the Protocol.
- 4.2 During 2009/10 the Standards Committee will review its Terms of Reference in the light of the latest guidance, the new local assessment responsibilities and an anticipated change to the Code of Conduct and will make recommendations in preparation for any council-wide review of constitutional arrangements.

#### **5 LOCAL ASSESSMENT**

- 5.1 The new local assessment responsibilities have signalled a significant change in the work of the Standards Committee. Complaints are no longer referred first to the SBE; instead they are submitted to the Committee. An initial assessment is made (by the Assessment Sub-Committee) to determine whether the complaint justifies further, more detailed investigation by the Monitoring Officer. If the assessment

sub-committee decides to take no further action that decision may be reviewed by the Review Sub Committee. If a complaint is referred to the Monitoring Officer for investigation the investigation report is considered by the Consideration and Hearings Sub-committee who may decide to conduct a hearing into the complaint.

- 5.2 The new procedures came into effect on 8 May 2008 since when, nine complaints have been received, six of these have been referred to the MO for investigation, two have resulted in no further action, and one has been referred to the SBE for investigation. Of the complaints passed for investigation to the MO, one resulted in a finding of no breach which was accepted by the Sub-Committee, and the remaining five investigations are due for consideration on the 27th of April.
- 5.3 The overall number of complaints is low and all nine complaints have related to Parish Councillors
- 5.4 In preparation for the new responsibilities the Council's web site was updated and electronic complaints forms were posted. The Standards Committee members have each been provided with copies of the full guidance "Local Standards Framework" issued by the SBE and informal training has been provided in relation to local assessment and determinations. In addition a copy of the SBE introduction and training DVD has been circulated to Committee members.
- 5.5 However, effective operation of the new procedures is proving difficult to co-ordinate to ensure that the membership of one sub-committee does not overlap with the membership of another in a way which might result in a conflict of interest. For this reason ***the Standards Committee is recommending to the Council that the membership of the Committee is raised by 3 to add 1 additional member in each category (independent, parish/town council and district council)***

## **6 Other cases**

- 6.1 Two outstanding cases pre-dated the new local assessment responsibilities and both were referred to the Monitoring Officer for local investigation by the SBE.
- 6.2 One case has been determined with a finding of no breach of the code. The second case is now nearing completion of the investigation.

## **7 Training**

- 7.1 Training for Councillors on the Code of Conduct was provided as part of the induction process after the May 2007 elections and was not



repeated in 2008/09. Similar training was offered for Parish and Town Council's but poor take-up meant that the event was cancelled.

- 7.2 During 2008/09 a number of informal training and briefing events have been provided for members of the Standards Committee.
- 7.3 Training has also been provided for members of the Planning Committee which has included aspects of the Code of Conduct and the Planning Protocol.
- 7.4 Following enquiries from some PCs, and also in light of the constantly evolving and changing environment in which PCs operate, legal services are currently devising a training programme to include all PCs within the District. This training will focus on the code of conduct, local standards procedures, and areas of good practice. It is anticipated that this training will take place once details of the revised code of conduct are released on the 1st of May 2009. In the coming months, PCs will be surveyed and asked to identify any areas of particular concern, and these will also be addressed as part of the training programme

## **8 Advice**

- 8.1 The Monitoring Officer and his staff continue to provide advice to District and Parish/Town Councillors and clerks upon request.

## **9 Ethical Governance Survey**

- 9.1 At the start of the year the Audit Commission undertook an ethical governance survey at Selby to determine the level of understanding and compliance with high ethical standards. The results of the survey were used as part of the CPA assessment.
- 9.2 The headlines identified by the auditors showed:
  - 9.2.1 the very high response rate from both councillors and officers (23 of each)
  - 9.2.2 a good general understanding of the code of conduct and of ethical standards
  - 9.2.3 the leader, chief executive and councillors are generally seen as good role models in relation to governance issues
  - 9.2.4 relationships between councillors, and between councillors and Officers appears good
- 9.3 However there was scope for improvement in terms of:
  - 9.3.1 a lack of awareness of Councillors in relation to the whistle blowing policy

- 9.3.2 officers are not fully aware of the arrangements for reviewing the registers of interest
  - 9.3.3 more could be done to demonstrate that the Standards Committee and the council's overall approach to ethical governance is making a definite difference
  - 9.3.4 about half of members have not received training in a number of key areas
  - 9.3.5 increasing the number of councillors from being "fairly clear" on what is a conflict of interest towards a large majority who are "very clear".
- 9.4 These issues, together with trends and patters highlighted through regular monitoring of cases will guide the training plans for 2009/10 and the Committee hopes that District, Parish and Town Councillors will contribute to healthy and active attendance at the training events.

## **10 Conclusion**

- 10.1 2008/09 has been a year of significant change, with new members of the Standards Committee, new responsibilities and a new Monitoring Officer. The Committee has responded well to the challenges and we have been very ably supported by the District Council's officers.
- 10.2 During 2009/10 we intend to consolidate the training needs identified through case trends and the ethical governance survey and review the Committee's terms of reference.
- 10.3 We would also wish the Council to support our recommendation for an increase in membership as set out in paragraphs 3.3 and 5.5 above.
- 10.4 As Chairman I would like to place on record my thanks to my colleagues for their help and support in undertaking the work of the Committee with such dedication and enthusiasm.

**Miss B Potts**  
**Chair**  
**Standards Committee**

**Mr Jonathan Lund**  
**Monitoring Officer**