

Mission Statement

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

22 December 2009

Dear Member

You are hereby summoned to a meeting of the Standards Committee to be held in Committee Room 2, Civic Centre, Portholme Road, Selby on **4 January 2010** commencing at **4.00pm**.

AGENDA

1. Apologies For Absence And Notice Of Substitution

To receive apologies for absence and notification of substitution.

Apologies from Mrs M Davis.

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 6 October 2009 (previously circulated and attached at pages 3 to 5 attached).

4. To note the appointment of Jenny Chapnell as the third Parish Council representative on the Standards Committee

Verbal report of the Monitoring Officer.

5. Update/Monitoring Report

Report of the Monitoring Officer (pages 6 to 11 attached).

6. Standards for England Annual Assembly 2009

Reports of Hilary Putman and Monitoring Officer arising from the Standards for England Annual Assembly 2009 – 12/13 October 2009 (pages 12 to 14 attached).

7. Work Programme

Attached is a Work Programme Framework for 2010/11 (dates subject to confirmation at Council (pages 15 to 19 attached).

To consider what planned work should be included in the programme for the year ahead.

Jonathan Lund
Monitoring Officer

22 December 2009

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

| Date of Meeting |
|-----------------|
| 29 March 2010 |

Membership of the Standards Committee

| | |
|--------------------------|------------------------|
| Cllr C Lunn | Selby District Council |
| Cllr Ms M Davis | Selby District Council |
| Cllr Mrs K McSherry | Selby District Council |
| Miss B Potts (Chair) | Independent Member |
| Ms H Putman (Vice Chair) | Independent Member |
| Mrs W Stables | Independent Member |
| Mr B Crossdale | Parish Council Member |
| Mr R Parker | Parish Council Member |
| Vacancy | Parish Council Member |

Enquiries relating to this agenda, please contact Karen Mann on:
Tel: 01757 292207
Fax: 01757 292020
Email: kmann@selby.gov.uk

SELBY DISTRICT COUNCIL

MINUTES

Of the proceedings of a meeting of the STANDARDS COMMITTEE held on 6 October 2009, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 4.00pm.

| | |
|-----|---|
| 320 | Minutes |
| 321 | Parish Council Representation - Election |
| 322 | Parish Council Training |
| 323 | Update / Monitoring report |
| 324 | Annual Standards Board Conference Preview |
| 325 | Standards for England |

Present: Miss B Potts (Chair),
Councillors Mrs K McSherry
Ms H Putman (V Chair)
Mrs W Stables (Independent Member)
Mr R Parker (Parish Council Representative)

Officials: Monitoring Officer, Senior Solicitor and Democratic Service Manager and Officer

Public: 0
Press: 0

318 **Apologies for Absence**

Apologies were received from Councillor Ms M Davies.

319 **Disclosure of Interest**

None.

320 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Standards Committee held on 27 July 2009 be confirmed as a correct record and be signed by the Chair.

321 **Parish Council Representative – Election**

The Monitoring Officer reported that six nominations had been received for the third Parish Council representative on the Committee. An election will take place and the results will be reported back to the next Standards Committee once an appointment has been made by the Council.

Resolved:

That the report be noted.

322 **Parish Council Training**

A report from the Monitoring Officer was discussed.

Resolved

- i) **That the report be noted**
- ii) **To conclude that the requirement for training in respect of one case heard by the Hearings and Considerations Sub-Committee (SDC 2008003) and two other cases referred for other action by the Local Assessment Sub-Committee (SDC2009004 and SDC2009005) has been satisfied and the matters can be closed.**

323 **Update / Monitoring Report**

A report from the Monitoring Officer was submitted and discussed.

Resolved:

That the recommendation of the report be approved.

324 **Annual Standards Board Conference Preview**

A verbal update on the Standards Board conference was given by the Monitoring Officer. Vice Chair Ms Putman and the Monitoring Officer will be attending the conference on the 12 & 13 October 2009. The Code of Conduct will be one of the Topics. The Senior Solicitor was asked to bring the redrafted Code of Conduct to the Standards Committee on 4 January 2010.

The Monitoring Officer will report back to the Standards Committee on 4 January 2010 on the Conference.

Resolved

That the report be noted.

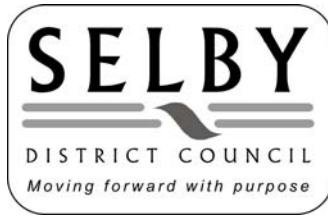
325

Standards for England

The Monitoring Officer reported that the Standards Board for England had been renamed Standards for England. The reason given by the Board for the change is that they have moved from being an organisation focused mainly on handling complaints to the strategic regulator of standards among local politicians.

Resolved:

That the report be noted.



Agenda Item No: 5

Title: Standards Committee – Case Monitoring Report
To: Standards Committee
Date: 4 January 2010
Service Area: Standards
Author: Jonathan Lund, Monitoring Officer

1 Purpose of Report

1.1 To present the current case monitoring report up to the end of December 2009

2 Recommendation(s)

2.1 To receive and endorse the case monitoring report for the period ended December 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.

6 Link to Corporate Plan

- 6.1 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

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

- 7.1 As above

8 Impact on Corporate Policies

| | | |
|------------|--|------------------|
| 8.1 | Service Improvement | No Impact |
| | | |
| 8.2 | Equalities | No Impact |
| | | |
| 8.3 | 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. | |
| 8.4 | Procurement | No Impact |
| | | |
| 8.5 | Risk Management | Impact |
| | As 8.3 above | |
| 8.6 | Sustainability | No Impact |
| | | |
| 8.7 | Value for Money | No Impact |
| | | |

9 Background Papers

- 9.1 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 | 19/01/2007 | Referred to MO for investigation by SBE | Investigation reported on 20/07/09 | No breach of the Code of Conduct found. | 20/07/2009 | 130 | DISTRICT External investigator appointed by the MO. Investigator reported on 20 July 2009 and any outcome can be reported to the Committee. | Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage |
| SBE21937.08 | 25/04/2008 | Referred to MO for investigation by SBE | Investigation reported on 02/12/08 | No breach of the Code of Conduct found. | 02/12/2008 | 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 | 02/09/2008 | Referred to MO for investigation on 22/09/08 | Investigation ongoing | | | 70 | 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 | 08/09/2008 | Referred to SBE for investigation on 22/09/08 | SBE Investigation concluded and Hearing held on 12 June 2009 | Breach of the Code of Conduct found and subject member censured | 12/06/2009 | 40 | PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome | Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute; |

Grey Shading = Cases reported before the May 2008 procedure changes

MO = Monitoring Officer

SBE = Standards Board for England

| Case Number | Date Received | Assessment | Investigation | Outcome | Date Concluded | Period Live (Weeks) | DISTRICT/PARISH COUNCIL & Notes | Aspects of the code involved in the complaint |
|-------------|---------------|--|-------------------------|--|----------------|---------------------|--|--|
| SDC2008003 | 22/09/2008 | Referred to MO for investigation on 13/10/08 | Investigation completed | Breach of the Code of Conduct found suspended censure pending training | 28/05/2009 | 35 | PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome | Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage; |
| SDC2008004 | 22/09/2008 | Referred to MO for investigation on 13/10/08 | Investigation completed | No breach of the Code of Conduct found. | 27/04/2009 | 31 | PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome | Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage; |
| SDC2008005 | 22/09/2008 | Referred to MO for investigation on 13/10/08 | Investigation completed | No breach of the Code of Conduct found. | 27/04/2009 | 31 | PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome | Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage; |
| SDC2008006 | 23/09/2008 | Referred to MO for investigation on 13/10/08 | Investigation Completed | No breach of the Code of Conduct found. | 09/03/2009 | 24 | PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome | Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage; |

Grey Shading = Cases reported before the May 2008 procedure changes

MO = Monitoring Officer

SBE = Standards Board for England

| Case Number | Date Received | Assessment | Investigation | Outcome | Date Concluded | Period Live (Weeks) | DISTRICT/PARISH COUNCIL & Notes | Aspects of the code involved in the complaint |
|-------------|---------------|---|--|--|----------------|---------------------|---|---|
| SDC2008007 | 23/09/2008 | No further action 13/10/08 | | | 13/10/2008 | 3 | PARISH Relevant parties have been notified of the outcome | Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute; |
| SDC2008008 | 23/09/2008 | Referred to MO to arrange mediation 13/10/08 | | Subject Member refused to participate in mediation. No further action. | 26/10/2009 | 57 | PARISH Subject Member not been willing to engage in mediation process. Resolved to take no further action | Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute; |
| SDC2008009 | 02/12/2008 | Referred to MO for investigation on 05/01/09 | Investigation ongoing | | | 57 | PARISH Investigated alongside complaint SDC200801 due to similarity. | Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage; |
| SDC2009001 | 20/03/2009 | Referred to MO for investigation on 13/04/09 | MO referred matter back to LA Sub due to subject member leaving parish council | No further action | 26/10/2009 | 31 | PARISH | Paragraph 3 - treating others with respect/bullying; 5 - bringing the authority/office into disrepute; 8, 9, 10 and 12 - interests; |
| SDC2009002 | 03/04/2009 | Referred to MO for investigation on 18/05/09 | Investigation ongoing | | | 39 | PARISH | Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute; 8, 9, 10 and 12 - interests; |

Grey Shading = Cases reported before the May 2008 procedure changes

MO = Monitoring Officer

SBE = Standards Board for England

| Case Number | Date Received | Assessment | Investigation | Outcome | Date Concluded | Period Live (Weeks) | DISTRICT/PARISH COUNCIL & Notes | Aspects of the code involved in the complaint |
|-------------|---------------|---|----------------------------------|---|----------------|---------------------|--|---|
| SDC2009003 | 22/04/2009 | Referred to MO for investigation on 18/05/09 | Investigation ongoing | | | 37 | PARISH | Paragraph 3 - treating others with respect; 4- preventing access to information; 5 - bringing the authority into disrepute; |
| SDC009004 | 01/06/2009 | Adjourned to look into possibility of other action 29/06/09 | None - referred for other action | On 20/07/08 referred to MO for other action - parish training | 20/07/2009 | 7 | PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome | Paragraph 3 - treating others with respect/bullying; 5 - bringing the authority into disrepute; |
| SDC009005 | 23/06/2009 | Assessment report considered on 20/07/09 | None - referred for other action | On 20/07/09 referred to MO for other action - parish training | 20/07/2009 | 4 | PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome | Paragraph 5 - bringing the authority into disrepute; |
| SDC009006 | 14/10/2009 | Referred (in part) to MO for investigation on 26/10/09 | Investigation ongoing | | | 12 | PARISH Investigated alongside complaints SDC0009002 and SDC0009003 | Paragraph 5 - bringing the authority into disrepute; |
| SDC009007 | 18/11/2009 | No further action 26/10/09 reviewed and confirmed 04/12/09 | | | 04/12/2009 | 2 | PARISH Relevant authorities and parties have been notified of the outcome | Paragraph 5 - bringing the authority into disrepute; |

Grey Shading = Cases reported before the May 2008 procedure changes

MO = Monitoring Officer

SBE = Standards Board for England

Standards for England Annual Assembly 2009 Bringing Standards into Focus

A very busy two day conference in Birmingham with over 700 delegates.

Day 1

- An **opening session** which focussed on the work of Standards for England Committee and a plea against its abolition.
- **Pre-determination and Bias** workshop. Predetermination is a better phrase than bias. Exercise of a discretionary power where the decision maker does not exercise discretion is unlawful (actual predetermination). Where there is a real risk of refusal to consider new or relevant arguments there may be apparent bias – very difficult to prove). Acting with pre-determination is potentially unlawful and action knowing this may breach the code (paragraph 5 disrepute). It may also lead to maladministration.
- **Town and Parish Council Capacity Building** workshop. Training and development in partnership with the Local Council's Association.

Day 2

- Workshop on Good Practice for Monitoring Officers.
 - o Protocol for the informal resolution of complaints
 - o Annual report sets out cost of investigations
 - o Raise profile of the Standards Committee
 - o Be circumspect in decisions to commission investigations
 - o Develop a more robust assessment criteria
- **Other Action** workshop. Standards for England appeared to be cold on the potential for mediation but recommended training as a suitable solution.
- **Code Changes** workshop. Revised code keeps being delayed and not now due until 2010. Big change is the make convictions incurred when "off duty" a potential breach of the code (paragraph 5 disrepute).

It was reassuring that Selby's Standards Committee was, by and large, dealing with complaints in accordance with the recommended procedures and good practice. There is more that we could do to be pro-active rather than just react to complaints, particularly in relation to

- profile raising
- training and development
- robust assessment of complaints

Jonathan Lund
Monitoring Officer

STANDARDS FOR ENGLAND 2009 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Jonathan and I attended this Assembly, 12-13 October, in the International Convention Centre, Birmingham.

It was a intensive two days but was very worthwhile, informative and quite enjoyable. There was a mixture of sessions - plenary, mini plenary, workshop and discussion forum - the standard format being a presentation or presentations, followed by discussion and / or questions to the presenter/s and their responses. The standard and value of these sessions varied. Networking with the other attendees - over seven hundred from all parts of England - was easy. The usual opening questions being "what part of England are you from?" and "how many cases has your Standards Committee dealt with?".

Our Standards Committee seems to have received about the average number of complaints leading to investigations, but we have been through the full process twice with two Hearings and have taken Other Action. Many Committees have not yet had this experience.

I am pleased to confirm that our procedures are sound and in order - also generally our Councillors are aware of the Code and behave quite well - unlike some in other authorities!

Some comments and observations which members might like to discuss at a future Standards Committee meeting :

Concern about the number of investigations resulting in no further action

There was much discussion about filtering out of complaints by the Monitoring Officer and subsequent reporting to the Standards Committee. Examples of such complaints are tit for tat allegations, systematic bad behaviour, apologies given and accepted.

Other Action - there should be a range of options for Other Action available to the Standards Committee, depending on the circumstances of the particular matter. For example, mediation, apologies etc.

Concern about the future, particularly in view of the statement at the Conservative Party Conference about Standards for England. It was suggested that a copy of the Annual Review 2008-9, a rebuttal of Standards myths and local information be sent to the current MP, Prospective Parliamentary Candidates and all Councillors

Raising the profile of Selby's Standards Committee

a) within the District and Parish Councils

- see above suggestion
- articles in Councils' newsletters or other circulars
- attendance at Councils' events or inviting Councillors/ officers to attend Standards Committee meetings.

Caution was expressed about becoming too close or over familiar, affecting the Committee's independence.

b) "putting the public in the picture"

Rossendale Council won an award for their Serious About Standards project - their action is described in the Standards for England booklet, Communicating Standards, and on the Conference website. Action included mention of the Standards Committee on the Council's website and press articles about forthcoming Committee meetings.

Role of the Standards Committee - some Standards Committees look at various policies of their Councils, such as whistle blowing policy and even Councillors' expenses.

Parish Councils - the importance of getting to know your Parish Councils and two way contact was stressed. Although this is difficult with lots of parishes. Suggested action included training, feedback by members who were Parish Council representatives on the Standards Committee, attendance of Standards Committee members at appropriate meetings. It was also thought that Parish Councillors and Clerks could do more to help themselves - the information and support was available.

There will be a 2010 Annual Assembly of Standards Committees and I would like to propose that an Independent Member (not me), a District Councillor and a Parish Councillor on our Standards Committee attend, with Jonathan or Caroline.

I hope that this report is of interest to the Committee and that we are able to take some of the matters forward.

Hilary C. Putman 24.10.09

