

# South Lakeland District Council Standards Committee

## Annual Report On Ethical Standards



May 2009 - May 2010





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## Foreword from the Chairman

Ethical conduct is important. The Council has to be seen to behave in an open and transparent manner in order to maintain and build customer satisfaction. This is even more important now given the wide-ranging debate at national level on conduct which has led to a drop in public confidence about ethical behaviour.

It is my view that South Lakeland District Council has in place good policies and procedures to deliver openness, transparency and accountability, but it nevertheless remains the individual responsibility of elected members and officers to ensure that they behave openly and ethically.

This past year has seen the Committee hold its first formal hearing into alleged misconduct under the new regime, which is reported on later, and it was an expensive and time consuming exercise. It is however pleasing to note that both the complainant and the former parish councillor complained against both expressed their satisfaction with the way in which the investigation and subsequent hearing were handled. A valuable learning experience for all concerned.

### James Morrison

Independent Chairman of Standards Committee  
May 2010



## Introduction – Ethical Standards

The Council aims to have the highest possible ethical standards in place across the Council. This is the annual report of the activities of the Standards Committee for the period to May 2010.

## Code of Conduct

Whilst nationally there are talks of further revisions to the Code of Conduct for Members, the Council continues to operate the existing code adopted in May 2007. Training is ongoing for new and existing District and Parish Councillors and continues to embed the principles of the Code and promote understanding of the importance of high ethical standards in public life. Members of the Standards Committee have been active in attending and contributing to training sessions.

## Role of Standards Committee/Monitoring Officer

The Standards Committee is responsible for promoting and maintaining high standards of conduct by Councillors and Co-opted Members, including promoting the Code of Conduct.

The Council's Monitoring Officer supports the Standards Committee and makes sure that the Council acts within the law and ensures the Council's Constitution is effective.

This report is the fifth annual report on ethical standards and considers ethical standards within South Lakeland District Council for the year to May 2010.

The Standards Committee continues to operate under its terms of reference as set out in the Council's Constitution. It has met on 5 occasions during the relevant period.

In addition to meetings of the main Committee, the Assessment Sub-Committee has met on six occasions, the Review Sub-Committee on one occasion and the Hearing Sub-Committee on one occasion. Details as to the complaints determined are set out under 2 (Complaints against Members) below.



## Overview

Overall, the evidence suggests that ethical standards in the Authority are sound. The intention – of both Officers and the Standards Committee – must be [and indeed is] to provide a significant and positive contribution to overall corporate performance.

Raising the profile and promoting high ethical standards in public life is at the forefront of the work of the Standards Committee, and will continue to be a focus of the work programme for the forthcoming year.

In July 2009, The Committee bid farewell to Mrs Elizabeth Braithwaite, MBE, who retired as a Parish Member from the Standards Committee and following appointment by full Council welcomed Mr Elwyn Bradshaw as new Parish Member in July 2009. Parish Member Trevor Wilson was also re-appointed for a further four year term.

## 1. Standards for England [SBE] Matters

The Standards Board for England changed its name to Standards for England and continues to take a more strategic national and independent oversight necessary for there to be confidence in a locally based system of ethical complaints.

Its responsibilities include:

- giving standards committees and councillors support and guidance on understanding the Code of Conduct, and on how to deal with complaints about the conduct of members of their council or authority
- monitoring the performance of local authorities in the local assessment of complaints
- publishing information about how councils and other authorities are dealing with complaints about their members
- working with standards committees to help them improve if they do not deal with complaints about their members properly
- removing the power of the standards committee to receive complaints about their members, if we believe it necessary
- investigating the most serious cases where the local standards committee believes it is not best placed to deal with the matter and we agree with them

The Monitoring Officer continues to provide Standards for England with quarterly returns on the numbers of complaints received locally and the outcomes of the local assessment of complaints.

In May 2009, we completed the first annual return, which covers the wider role of the Standards Committee in proactive involvement in promoting ethical leadership. The Council was asked to participate in the development of this pilot annual return. The new format for annual returns for 2010 was the subject of a full debate by the Committee at its meeting on 13 April 2010. A copy of the 2010 Annual Return is attached as Appendix 1 to this report.

## 2. Complaints against Members

Since May 2009 the Standards Committee has received seven complaints (as at the date of this report) about the conduct of members. All of these complaints related to Parish Councillors. Four of the cases following initial assessment were not referred for investigation and required no further action, and three cases were referred for investigation. Of those three cases referred for investigation, one was found to have no breach, two went to a full hearings which were held during February 2010, one of which found no breach, and the second resulted in a breach and censure of a former Parish Councillor.

The work programme incorporated a review of cases undertaken during 2009 and revealed no concerns regarding consistency or approach although the Committee will continue to keep its procedures and decision making under review.

Since taking on initial assessment, the Committee has received only 1 review request. The majority of complaints have arisen from allegations around failure to treat with respect, or failure to declare an interest.

The Council's initial assessment procedure requires where possible for Assessment Sub-Committees to be convened within 20 working days to consider initial allegations. All 7 were dealt with within that period, the average timescale being 13 days. Where investigations have been carried out, hearings have been held within 3 months of receipt of the Investigator's report.



## 3. Registration of Interests

The Members' Register is maintained and updated as and when members notify changes. In addition, from time to time, all Members are sent a reminder to update their entries and confirm the accuracy of the Register. The same applies to the Parish Councillors' Register of Interests. In 23 June 2009, the Standards Committee once again asked the full Council to consider making mandatory the publication of District Councillor entries on the Council web site. On 16 July 2009 Council resolved that District Councillors' Register of Interests be automatically put on the Council's Website and all 51 District Councillors' interest forms are now on the Council's web page.

The Minutes of the various Council, Cabinet and Committee meetings show that interests are regularly declared by Members and the rules appear to be well understood.

The Standards Committee formally inspects the Register of Interests which also includes gifts and hospitality. The Standards Committee also continues to review the Register of Interests and Gifts and Hospitality for Employees.

## 4. Other Activity

Monitoring Officer advice has been given to both individual Members and corporately as required. Opportunities have been sought and utilized to deliver proactive advice to Members to ensure high standards and avoid possible breaches of the Code. Both the Monitoring Officer and the Deputy Monitoring Officer and other Officers are available to advise Members at all reasonable times.

### Training

Formal training sessions have been provided for Parish/Town Clerks and their Members, with whom liaison is maintained. The Monitoring Officer and Chairman of the Standards Committee have visited Parish Councils when requested to discuss Standards matters.

Attendance at Parish training sessions has decreased on last year, although the feedback from attendees was positive. During this year only 32 Parish/Town Council Members attended training events provided i.e 6.71% of Parish/Town Councillors across the district as a whole. In



2010 the Committee will continue to investigate how to engage more effectively with parish councilors on ethical standards and training in the Code of Conduct.

Training on the Code of Conduct continues to form part of the Induction Training for new Elected Members to the District Council to give them overview of the Code. In addition, further training sessions will continue to be provided for all Members, and Members of the Standards Committee received specific training on Standards Matters.

Standards for England produced a new training DVD which formed a training and discussion session with the Committee members during December 2009.

## Cumbria Group

The Cumbria and Lancaster Monitoring Officers and Chairs of Standards Committee have met on at least two occasions during the year to discuss issues. If Parishes have any issues that they wish to raise at a high level then they can contact the local Standards Committee and, if appropriate, issues can be put on the agenda for discussion at the Cumbria level. Consideration of Joint Committees, and a notification procedure for Parish Councils following receipt of formal Decision Notices have been items on recent agendas for discussion.

## Standards for England Annual Assembly

The Monitoring Officer and One Independent Chair Member and one District Member attended

the Standards Board Conference in October 2009 and helped promote Cumbria Standards Members at a national level.

## 5. Ethical Governance/Use of Resources

In 2007, an Ethical Governance Leadership Group and an Ethical Governance Steering Group was set up to enable the Chairman of the Standards Committee and the Monitoring Officer to hold formal regular meetings with the Chief Executive, Leader, Deputy Leader, Committee Chairmen and the Leader of the Opposition to promote the work of the Standards Committee and the importance of high ethical standards in public office. Cllr Brenda Gray has continued to take the role of Ethical Governance champion as part of her portfolio, and represents standards issues at Cabinet.

Following review during 2009 the two Groups have now amalgamated and will continue to meet under the heading Ethical Leadership and Governance Board.

## 6. Ombudsman Cases April 2009 – March 2010

During the year the Council has had 9 cases referred to the Ombudsman.

Of these 9 cases 7 have been resolved as no or insufficient evidence of maladministration and 2 are shown as local settlements. The final report on the Ombudsman will show the overlap between reporting periods.

The breakdown of Ombudsman's Complaints is as follows:-

Planning	- 2
Housing	- 1
Other	- 6

There were no findings of maladministration against the Council during the 12 month period.

The Committee has also had an overview of the Council Internal Complaints and Customer Contacts. They have received reports and had discussion with the Assistant Director (Customer Focus) on action arising from the analysis of information provided.

## 7. Constitution of Standards Committee

The membership and functions of the Standards Committee are in accordance with the requirement of the Local Government Act 2000. The Committee currently has 3 Independent Members and 3 Parish Members, and 4 District Members. Membership during 2009/10 was as follows:

### Independent Members

James Morrison (Chair)  
Pat Ford (Vice-Chair)  
David Thomas

### Parish Members

Jeff Barker  
Elwyn Bradshaw  
Trevor Wilson

### Councillors

Jonathan Brook  
Janette Jenkinson  
Peter Thornton  
Mark Wilson

The Committee in June 2009 reviewed the appointment process for Parish and Independent Members and advised Council on this.

## 8. Dispensations

New Standards Committee (Further Provisions)(England) Regulations 2009 (the 2009 Regulations) came into force on 15 June 2009 extending the power of the Standards Committee to give members dispensations where they would otherwise be prohibited from participating because of a prejudicial interest.

For the year to date the Standards Committee has not received any requests for Dispensation. Records of Dispensations granted are held within Legal Democratic & Member Services and can be found on the Council's Website.

## 9. Budget

The Standards Committee budget was reduced from £10,000 to £5,000 during 2008/09. This figure will need to be kept under review dependent on duties and responsibilities. The budget covers local assessment and investigations and training with regard to standards issues.

## 10. Future Activity

Work continues on implementing the Standards Committee's Work Programme. A copy of its Rolling Work Programme from June 2009 onwards is attached to this report as Appendix 2.

The Work Programme for 2010 will concentrate on further promoting the work of the Committee and the ethical governance conference for 2010, as well as keeping a regular review of complaints and the standards decision- making processes.



## Appendix 1



## ANNUAL RETURN 2010

**Authority name** South Lakeland District Council

**Primary contact** Debbie Storr

**Primary contact email** d.storr@southlakeland.gov.uk

### PART 1: COMMUNICATION

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The main roles of a standards committee are:

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

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

#### Annual Report

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**Does the standards committee produce an annual report?**

Yes

**What does the report contain?**

- A personal statement by the standards committee chairman,
- Information about the members of the standards committee,
- The role of the standards committee,
- Information about the Code of Conduct,
- Statistical information about complaints that have been received,
- A summary of complaints which have led to investigation, sanction or other action,
- Details about training/events provided,
- The forward work plan of the standards committee,
- Other: It includes details of meetings with the Cumbria Group of Authority MOs and Standards Chairs, and meetings of the Council's Ethical Governance Board

**How is the standards committee annual report circulated?**

- Sent to all senior officers,
- Available on the authority intranet,

- Available in the standards committee papers published on the authority website,
- Included as a full authority meeting agenda item

## Publicising Complaints

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### **How can the public access information about how to make a complaint against a member?**

- Through a 'compliments and complaints' type section of the council website,
- Through the standards committee section of the website,
- Complaints leaflets available from the authority

### **How can the public access information about the outcome of initial assessment decisions?**

- Written summary available for public inspection,
- Other: Minutes of meetings of assessment sub-committees on website

### **How can the public access information about the outcome of investigations?**

- Hearings are open to the public,
- Publicised in the local press only if the subject member agrees,
- Published on the authority website,
- Decision notices are available for public inspection

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

No

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

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

- Dedicated standards committee pages on intranet ,
- Articles in employee newsletter / bulletin / newspaper,
- Standards committee independent members observe other authority meetings

### **How can the public access information about your standards committee?**

- Dedicated standards committee section on the authority website,
- Standards committee minutes, agendas, and reports are available to the public,
- Places articles in the authority newsletter / bulletin / other publication

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

It is part of a Cumbrian group of MOs and Standards Committee Chairs.

There is attendance at the Cumbrian association of local councils.

The Committee is organising an ethical governance conference for 2010.

The Standards Committee has also been involved in the adoption of a Partnership protocol for work with partners.

## **PART 2: INFLUENCE**

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

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

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

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

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

- Through a strongly promoted whistle-blowing policy,
- Demonstrating appropriate behaviours ,
- Senior figure(s) makes personal commitment to standards in statements to public/employees

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

Yes

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

- Informal discussion/mediation,
- Senior figure mediation (e.g. Chief Executive)

## PART 3: TRAINING AND SUPPORT

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

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

Yes

**If yes, what needs were identified?**

- Introduction to the Code of Conduct,
- Elements of the Code of Conduct,
- The role and responsibilities of the standards committee

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

- Introduction to the Code of Conduct,
- Role and responsibilities of the standards committee,
- Other: The Council has a full member development programme. All Members of the authority have received mandatory training on the code of conduct. The District Council did not have any elections during 2009 so was less of a training need for 2009.

Dual-hatted training was identified as a need for dual-hatted members and some training on this was provided by Standards for England for SLDC and other Cumbria authorities.

Parish training was also provided, and new parish members attended.

We also provided training to the Standards Committee members.

**Who received training/support?**

- Standards committee chair,
- Independent members,
- Other standards committee members,
- Specific authority members with particular needs (e.g. new members, planning committee members),
- Other: See note above re training provided

**What methods were employed to give training/support?**

- Internal training (presentations/seminars/workshops),
- External trainer/speaker,
- One on one training,
- Joint/regional training event,
- Guidance notes/briefing materials,
- Standards for England materials

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

- Personal/Prejudicial Interests,
- Predisposition,
- Pre-determination and bias

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

- Chairing skills ,
- Blogging and/or the use of social media,
- Other: Dual-hatted training - see above. the blogging and other quick guides provided by standards for England are circulated to all members

**In general, how well attended was the training provided?**

50-75%

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

The Code of Conduct, pre-determination and bias and the role of the Standards Committee is covered by the induction process for new members.

Constitutional issues, including member/officer protocol are covered in separate sessions as part of a full induction process.

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

- Initial assessments,
- Reviews,
- Hearings

## **PART 4: INVESTIGATIONS**

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**Have any investigations been completed during the period 1 April 2009 - 31 March 2010?**

Yes

**How many investigations have been completed during this period?**

3

**Have any of the investigations used external investigators? NOTE: This includes employees of other authorities.**

Yes

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

1

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

Lack of staff resources

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

Self-employed investigator

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

£ 1700.00

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

The Cumbrian Districts have had a joint training session for investigating officers.

The external investigator used is a former solicitor and has had previous experience of carrying out local investigations.

## **PART 5: RELATIONSHIPS WITH PARISH AND TOWN COUNCILS**

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

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

Yes

**If yes, what topics did the training cover?**

- Confidential information,
- The Code of Conduct generally,
- Personal and prejudicial interests,
- Bullying

**What methods were employed to give training/support?**

- Internal training (presentations/seminars/workshops),
- Joint/regional event,
- Guidance notes/briefing materials,
- Standards for England's materials

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

0-25%

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

Yes

**What topics did the training for parish clerks cover?**

- Working with confidential information,
- The Code of Conduct generally,
- Personal and prejudicial interests,
- Bullying

**What methods were employed to give training/support to parish clerks?**

- Internal training (presentations/seminars/workshops),
- Guidance notes/briefing materials,
- Joint authority/regional event

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

0-25%

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

Yes

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

Training this year with parishes has been very disappointing, and the Committee is considering this issue, previous years training has been better attended.

We work with our local County Association, and they advertise our sessions, and are part of the Cumbria wide MOs' Chairs of Standards groups. We also attend the annual meeting to update on standards issues as appropriate.

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

No - but there is someone who fulfils the same functions

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

Yes

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

Name: Emma Nichols

Email address: [e.nichols@southlakeland.gov.uk](mailto:e.nichols@southlakeland.gov.uk)

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

We have a Parish which has generated the main of our complaints this year. We have provided additional training, and have had communications with the Clerk to try and improve the position within the Parish

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

- Lobbying,
- Predetermination and bias,
- Planning and interests,
- Dual-hatted members,
- Other: Dealing with complaints generally, Confidential information, Behaviours

Appendix 2

	Topic	June 09	July 09	Aug 09	Sept 09	Oct 09	Nov 09	Dec 09	Jan 10	Feb 10	Mar 10	Apr 10	May 10	Milestones/ Targets
1	Code of Conduct Training for New Members	█												100% by July
2	Standards Training for Members of Standards Committee	█												100% New Members before first meeting. 100% all members of SC during year
3	[a] Code of Conduct Training for District Councillors  [b] Code of Conduct Training for Parish Councillors	District - June to August  Parish - September - March											SLDC Members 100% by August. Parish Councillors offered to 100%, 30% Parish Members training by end of April 10	
4	Inspect Registers of Interests for District & Parish Councils	█												SLDC 100% by July Parishes 100% by end of year
5	Review Register of Interests & Gifts & Hospitality for Employees	█												
6	Investigate and Determine Allegations of Misconduct as referred by Standards Board	As required											Within 9 months of referral	
7	Consider and adjudicate Dispensation Requests from Parish Councils	As required											By date of next available meeting.	
8	Review as to how effectively Members comply with the Code of Conduct and review complaints process [June]					█								
19	Conduct twice yearly Review of Complaints handling and Ombudsman Reports	█	█			█						█		
10	Conduct Review of Member/Officer and Monitoring Officer Protocol						█							
11	Review Whistleblowing Policy & Procedures						█							
12	Publicise Role and Work of Standards Committee	Ongoing												
14	Support Standards Board Conference					█								
15	Reports from the Monitoring Officer on Investigations	As required												
16	Prepare Annual Report for Full Council											█		





