



SOUTH LAKELAND DISTRICT COUNCIL
STANDARDS COMMITTEE

ANNUAL REPORT ON ETHICAL STANDARDS
MAY 2010 – MAY 2011

May 2011
Annual Report

Foreword from the Chairman

It is hard not to feel that the announcement last year by the Government to abolish the present standards regime, and the Standards for England Quango, has taken some steam out of the Standards Committee's raison d'etre. Is it a coincidence that only two complaints have been received since the announcement?

As a result this has been a quiet year, and training in the parishes cut back to a minimum. What the future standards regime may be is still a little unclear at present, but it is likely that the District Council will revert to a situation that will resemble practices pre-2001, and will feature in non-involvement with Parish Councils, which, given that they are quite separate and duly elected bodies in their own right seems appropriate.

James Morrison
Independent Chairman of Standards Committee
May 2011

1. 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 to May 2011.

This Year has seen the start of change to the Standards Regime, following the Coalitions announcement of the abolition of Standards for England. As a result of these announcements the Committee postponed its intended Cumbria wide ethical governance conference which it was planning to hold in November 2010.

Whilst the Council is still operating to the Code and legislation in force, the Localism Bill will bring about changes to the standards regime, and the future of the standards framework moving forward. The Council will still have a duty to promote and maintain high standards of conduct by members and co-opted members but the existing statutory code will cease and the Council may adopt a code dealing with the conduct that is expected of members

2. Code of Conduct

At the date of this report the Council continues to operate the existing code adopted in May 2007. Training is ongoing for new and existing District and Parish Councillors as required 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 continue to be active in attending and contributing to training sessions.

3. 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 sixth annual report on ethical standards and considers ethical standards within South Lakeland District Council for the year to May 2011.

The Standards Committee continues to operate under its terms of reference as set out in the Council's Constitution. It has met on 4 occasions during the relevant period, compared to 5 the previous year.

The year to April had not seen the need for any meetings of the Assessment Sub-Committee. Consequently, there has also been no need for meetings of any Review Sub-Committee or Hearing Sub-Committee. The Monitoring Officer received two formal complaints in April 2011.

4. **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.

Moving forward work is beginning on what the standards framework will look like following implementation of the Localism Bill. Discussions are being held with Cumbrian authorities on a voluntary code of conduct for Cumbria. Consideration will be given over the coming months over the continuation or otherwise of a Standards Committee locally, and recommended procedures to be adopted to ensure compliance with the new legislation in promoting and maintaining high standards.

In January 2010 the Committee expressed thanks to Jeff Barker who retired as a Parish Member from the Standards Committee following his retirement from Duddon Parish Council.

5. **Standards for England [SBE] Matters**

Standards for England continues to exist at the present time, but its role is decreasing. The requirement on the Monitoring Officer to provide quarterly returns has been removed and the Standards Board regime will be formally abolished once the Localism Bill is enacted.

6. **Complaints against Members**

Since May 2010 the Standards Committee has received two complaints about the conduct of members. These were received during April 2011 and are currently being processed.

7. **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. All District Councillors interest forms are 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.

8. 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.

In particular as a result of the consultation on options for Land Allocation numerous enquiries have been received regarding interests at Parish Council level, and following its October meeting the Monitoring Officer was requested to prepare a guidance note on interests and site allocations to be forwarded to all Parish Councils in the District. This was done in November 2010.

9. Training

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

Training for Parish Councillors has been reactive rather than proactive during this period as a result of the changing framework. Members felt that in view of decreasing attendance at previous events, and the changes on the horizon that it was not a proportionate use of resource to put on a full programme this year.

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.

10. 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.

11. Standards for England Annual Assembly

The Annual Assembly was cancelled this year following the Coalition Governments announcement.

12. Ethical Governance/Use of Resources

The Ethical Leadership and Governance Board 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 met twice during the year.

The future of this Board will be considered in light of the new Regime.

Councillor Brenda Gray has continued to take the role of Ethical Governance champion as part of her portfolio, and represents standards issues at Cabinet.

13. Ombudsman Cases – April 2010 – March 2011

During the year the Council has had 4 cases referred to the Ombudsman.

Of these 2 cases have been resolved as no or insufficient evidence of maladministration, 2 are still with the Investigators.

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

Community Services	2
Planning	0
Housing	1
Other	1

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

In addition the Ombudsman gave decisions on 4 complaints that had been referred to them in the previous year.

Of these 4 cases 2 have been resolved as no or insufficient evidence of maladministration, 2 as local settlements.

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.

14. 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 2 Parish Members (with one vacancy), and 4 District Members. Membership during 2010/11 was as follows:

Independent Members

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

Parish Members

Jeff Barker (retired January 2011)
Elwyn Bradshaw
Trevor Wilson

Councillors

Jonathan Brook
Janette Jenkinson
Brenda Gray
Mark Wilson

Whilst the Committee is currently running with a vacancy, it is not considered appropriate to advertise for a replacement until it is clear what the future holds for the Committee. The Committee is not making any recommendations in this respect at this time, but clearly will continue to review the position. As this year has shown a decrease in complaints it is confident that it can continue to operate within the current legislation.

15. Dispensations

During the year the Standards Committee considered 19 requests for Dispensation.

This included requests from four Cabinet Members in relation to matters relevant to the Council's carparking service including on/off street parking enforcement where the nature of the prejudicial interest was related to the fact that the member was also a Cumbria County Councillor.

Records of Dispensations granted are held within Legal Democratic & Member Services and can be found on the Council's Website.

16. Budget

The Standards Committee budget was £5,000 during 2010/11. The budget is there to cover local assessment and investigations and training with regard to standards issues. Due to the fact that there have been no complaints during 2010/11 there was an underspend on this budget for 2010/11.

17. Future Activity

Work continues on implementing the Standards Committee's Work Programme. A copy of its Rolling Work Programme from June 2010 onwards is attached to this report as Appendix 2.

The Work Programme for 2011 will concentrate on the changes to the Standards Regime in light of the Localism Bill.