

NORTH LINCOLNSHIRE COUNCIL

COUNCIL

STANDARDS COMMITTEE - ANNUAL REPORT 2010/2011

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider the Annual Report of the Council's Standards Committee for 2010/2011.

2. BACKGROUND INFORMATION

- 2.1 The Standards Committee (England) Regulations 2008 devolved the responsibility for handling the majority of complaints relating to the conduct of members to local standards committees. In line with the council's annual governance statement and good practice the Annual Report of North Lincolnshire Council's Standards Committee covering the municipal year 2010/2011 is attached for members information.
- 2.2 The report considers the work and activities of the Standards Committee during that year, sets out its membership, its role and the terms of reference under which it works, including receipt of the annual report from the Local Government Ombudsman, a copy of which is attached to the report. The report also refers to the committee's main operational function which is in relation to the members' code of conduct, the number of complaints received and other issues. The report also comments on the future of Standards Committees which, as members will be aware, is uncertain pending the outcome of the Localism Bill which is currently progressing through the parliamentary process.

3. OPTIONS FOR CONSIDERATION

- 3.1 There are no options associated with this report.

4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 4.1 There are no resource implications associated with this report.

5. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

5.1 The work of the Standards Committee is governed by legislation and in particular the Standards Committee (England) Regulations 2008.

6. OUTCOMES OF CONSULTATION

6.1 No consultations are required in relation to the annual report.

7. RECOMMENDATIONS

7.1 That the annual report of the Standards Committee be received.

DIRECTOR OF CORPORATE AND COMMUNITY SERVICES

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Ref: MDH/LMK
Author: Mel Holmes
Date: 2 November 2011

Background Papers used in the preparation of this report: Annual Report of the North Lincolnshire Council's Standards Committee 2010/2011

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE

ANNUAL REPORT

2010/11

This report looks at the work and activities of the Standards Committee during the Municipal Year 2010/11.

Foreword by the Chair

The Standards Committee (England) Regulations 2008 saw the devolution of responsibility for handling the majority of complaints relating to the conduct of members being vested in local standards committees. This is the annual report of North Lincolnshire Council Standards Committee covering the municipal year 2010/11.

Highlighted in the report is the role of the Standards Committee one important aspect of which is the need to help promote public confidence in elected officials. This I feel will not have been helped at national level by the actions of some members of Parliament which has been less than exemplary in the expenses scandal, and may well have made the work of promoting and bolstering trust in elected members at local level somewhat more difficult.

However I find it reassuring that the caseload over the last year has not seen any such pecuniary advantages warranting investigation, the matters being investigated being more centred on issues of personal conduct by way of bringing the council into disrepute, not treating others with respect, or procedurally in not declaring interests. This to my mind as an independent member of the 'committee' suggests that the Nolan principles in public service have been observed rather more strictly at local level than nationally.

Working its way through Parliament at the moment is the Localism Bill which, in numerous respects, will reshape substantially how local government functions (it more than likely coming into force some time in 2012). The initial proposal in the 'Bill' was to abolish the Standards regime and thus the statutory requirement for a Standards Committee leaving alleged infractions to be dealt with by the criminal courts, or the Ombudsman Service. As a result Members are asked to accept this report under the current statutory framework and no doubt Council will be apprised as and when the new legislation is finalised with its attendant implications for the maintenance of standards by members.

I would personally like to thank past and present members of the Standards Committee for their support, guidance and patience which has been much appreciated in my relatively recent taking up of the position of chair of the committee.

Finally on behalf of all members I would like to welcome Mr William Bell as our new Monitoring Officer and our thanks must go to Mr Wood and his staff for all their hard

work during the year in serving the committee, providing training and liaising with Standards for England.

Wayne Harvie

Independent Chairman of North Lincolnshire Council Standards Committee.

Membership

In accordance with statutory requirements the committee comprises 12 members, 6 of these are members of North Lincolnshire Council, 3 are Independent Members and 3 are parish representatives.

The following served on the committee for the 2010/11 municipal year.

Councillor Sue Armitage (Labour)
Councillor Andrea Davidson (Labour)
Councillor Steve Swift (Labour) (vice chair)
Councillor David Whiteley (Labour)
Councillor John England (Conservative)
Councillor Neil Poole (Liberal Democrat to 15 June 2010)
Councillor Barry Briggs Independent Member (from 14 July 2010)
Mr David Cuckson Independent Member
Mr Paul Kelly Independent Member
Mr Wayne Harvie Independent Member (Chair)
Councillor Yvonne Aubrey Parish Representative
Councillor John Kitwood Parish Representative
Councillor Richard Nixon Parish Representative

North Lincolnshire Council members are appointed at the Annual Meeting each year. Independent members were selected following public advertisement. Parish representatives were selected by ballot by the Town and Parish Councils. Independent members and parish representatives were to serve for a 4 year term which ends in September 2011. However given the Government's intention to abolish the "Standards Board regime" through the Localism Bill the Council agreed to extend their period of office until such time as any outstanding complaints under the Code of Conduct have been dealt with.

Role of Committee

The main role of the Standards Committee is to promote and maintain high standards of conduct, to set an example to other bodies it works with and to the community at large. The Standards Committee will promote, educate and support members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

The role is not just about enforcing the Code it is also about relationships both internally between members and staff and externally with the public and other stakeholders.

Terms of Reference

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives.
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Members Code of Conduct.
- (d) Monitoring the operation of the Members Code of Conduct.
- (e) Advising training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members Code of Conduct.
- (f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members code of Conduct.
- (g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.
- (h) The exercise of paragraphs (a) to (g) above in relation to the town and parish councils wholly or mainly in its area and the members of those town and parish councils.
- (i) To consider any complaints relating to an alleged breach of the members' Code of Conduct in accordance with such procedures as the Committee may agree from time to time.
- (j) To make such determinations in respect of those complaints as may be appropriate in accordance with such procedures as the Committee may agree from time to time.
- (k) To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.

Additional to these core functions the Standards Committee receives the annual report from the Local Government Ombudsman and passes comment on revisions to the locally adopted Employees Code of Conduct/Code relating to the declaration of interests, hospitality and gifts and good practice rules for Planning and Licensing Committees.

As referred to above the Local Government Ombudsman's report for the year ending 31 March 2011 is enclosed as Appendix 1. In particular, there have been no findings

of maladministration. Unlike in previous years the average response time of the council to complaints has not been recorded although that of authorities generally (provisionally) has.

Code of Conduct

Its main operational function is to deal with complaints received by North Lincolnshire Council in respect of members not only of the Council but of the 52 Town and Parish Councils in the area of North Lincolnshire. All of the members of those councils are subject to the Members Code of Conduct (2007 version) which sets out general obligations which have to be met by members when acting within their official capacity (or at any other time where that conduct constitutes a criminal offence for which the member has been convicted), when personal or personal and prejudicial interests have to be declared and the registration of relevant interests in a register kept by the Council. The Committee has set up processes and procedures in line with legislative requirements and guidance from Standards for England to deal with complaints through the assessment, review and determination stages by way of ad hoc sub committees.

Complaints

During the municipal year 2010/11 9 new complaints were received involving members, 7 complaints related to members of Town/Parish Councils and 2 related to members of North Lincolnshire Council. All except 2 had passed through the assessment process by the end of the period of this report. None had been referred for investigation 6 had been the subject of reviews, none of which had resulted in an investigation.

The complaints related to failure to treat with respect, failure to declare interests, bringing the council into disrepute etc. 6 of the complaints related to a Town Council and 1 to a Parish Council. 6 of the complaints were brought by one member of the public. During the period in question, 2 determinations were made. Both resulted in findings of no breach of the Code.

No matters were referred to Standards for England for investigation and there were no matters the subject of proceedings before the Adjudication Panel (now the First Tier Tribunal (Local Government Standards in England)).

All investigations are being carried out 'in house'. There are significant cost savings resulting from this approach but it does mean staff have to be diverted from their core duties to accommodate this. Some investigations have taken a significant time to complete which has been the result of work pressures and also delays by parties in responding to requests for interviews, checking statements etc. The latter point has been addressed to some extent by the Committee agreeing a time schedule for investigations. The Committee is acutely aware of the tension caused to all parties by investigations and determinations not being dealt with in as timely a manner as possible whilst also preserving the need for thoroughness and has determined to keep the situation under review.

Other Issues

The main issue considered during the year was the future of the Standards Regime and of the Committee following the enactment of the Localism Bill, which had been progressing through Parliament during the year. The Bill would remove the requirement for councils to have standards committees and to adopt the model code of conduct. The Bill is expected to be enacted in late 2011 or early 2012. The present regime will continue to function, considering, investigating and determining allegations of misconduct until a fixed date (the appointed day) which will probably be two months after the Bill receives Royal Assent.

Until the appointed day, allegations of misconduct can still be made. Any investigations and appeals pending will be the subject of transitional arrangements that will need to be put in place.

The Committee, after lengthy consideration of the matter, decided to publish the member register of interests on its website. Parish and Town Councils and the East Riding and Northern Lincolnshire Local Councils Association (ERNLLCA) were consulted as to whether they supported the publication of their own members' register on the site and were divided on the matter.

The Committee were keen to support Town and Parish Councils on standards matters and to develop links with ERNLLCA. At the July meeting, the Committee received a presentation from Alan Barker of the association on its work.

The Committee also had regard to the annual report from the Local Government Ombudsman for the year ended 31 March 2010. It noted that there had been no findings of maladministration and that the average response period to complaints had been 38 days against a national target of 28 days, an increase from 26.4 days the previous year.

The Future

It is not yet known what role, if any, there will be for Standards Committees following the enactment of the Localism Bill. However, as councils will still be required to demonstrate high standards of conduct, it is quite likely that the Council will have a standards committee in some form. The present Committee will be consulted on any future arrangements.

Local Government
OMBUDSMAN

24 June 2011

Mr S Driver
Chief Executive
North Lincolnshire Council
Pittwood House
Ashby Road
SCUNTHORPE
Lincolnshire DN16 1AB

Dear Mr Driver

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be

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published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink that reads "Anne Seex". The signature is written in a cursive style with a large initial 'A'.

Anne Seex
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	0	0	0	1	1	1	1	0	11	15
Advice given	0	2	0	0	1	0	0	2	2	7
Forwarded in investigative team (resubmitted)	0	0	1	0	1	0	0	0	5	7
Forwarded to investigative team (new)	2	0	0	1	0	2	1	0	5	11
Total	2	2	1	2	3	3	2	2	23	40

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	0	0	0	6	2	1	9

Adult social care decisions made from 1 Oct 2010*

	Not to initiate an investigation	Total
2010 - 2011	1	1

*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
2009 / 2010	7	38.0
2008 / 2009	6	29.0

Provisional comparative response times 01/04/2010 to 31/03/20 11

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0