

18 April 2013		ITEM: 7
Standards and Audit Committee		
STANDARDS REPORT FROM THE MONITORING OFFICER		
Report of: Fiona Taylor, Monitoring Officer		
Wards and communities affected: All	Key Decision: Non-Key	
Accountable Head of Service: Fiona Taylor, Monitoring Officer		
Accountable Director: Graham Farrant, Chief Executive		
This report is Public		
Purpose of Report: To provide an update on local and national issues relating to ethical standards and to bring to the attention of the Committee any complaints or other relevant issues		

EXECUTIVE SUMMARY

To provide a local and national update of ethical standards issues including any complaints received to inform the Committee in the exercise of its oversight jurisdiction.

1. RECOMMENDATIONS:

- 1.1 To note the report and comment on further development the Committee would like to see;**
- 1.2 To discuss and agree items the Committee would like to take forward arising from the report.**

2. INTRODUCTION AND BACKGROUND:

- 2.1 The Localism Act 2011 was enacted on 15 November 2011 and made fundamental changes to the system of regulation of the standards of conduct for elected and co-opted Members of Councils.
- 2.2 In order to ensure that the process is working effectively and to enable the Standards and Audit Committee to discharge its oversight of arrangements for dealing with complaints and to maintain high standards of conduct by Members it was agreed that the Committee would receive reports from the

Monitoring Officer which set out the number and nature of complaints received and draw the Committee's attention to areas where training or other action might avoid further complaints in the future. It also provides a means of updating the Committee on the progress of investigations together with any costs incurred.

New Standards Regime

2.3 The Council has adopted a new Standards Regime to implement the requirements of the Localism Act 2011 and the regulations made under the Act. This includes the following documents which were approved at Full Council on 25 July 2012:

- New Terms of Reference for a Standards and Audit Committee and Members Advisory Panel;
- A new Code of Conduct for Thurrock Council Members
- New outline complaints procedure for alleged breaches of that code
- A new dispensation procedure

2.4 At the Council meeting in September 2012 Ms Sarah Cooper-James and Mr Kevin Madden were appointed as Independent Persons in accordance with Section 28 of the Localism Act 2011.

New Register of Members Interests

2.5 It is pleasing to report that all elected Members and voting co-opted Members have submitted declarations of interests to the Monitoring Officer together with an update request sent out on 24 January 2013

New Guidance on Declaring Interests and Bias and Predetermination

2.6 All Agendas have dedicated pages setting out a, "Declaring Interests Flowchart – Questions to Ask Yourself" together with a list of Discloseable Pecuniary Interests. Additionally the declaration form itself has integrated guidance notes on pecuniary and non pecuniary interests and Legal Services has drafted a further guidance note on "Bias and Predetermination." Training Sessions have been run by the Monitoring Officer and Deputy Monitoring Officer as well as Open Question and Answer Sessions.

Complaints Against Councillors

2.7 Following on from the practice adopted during the time of the statutory Standards Committee attached at **Appendix A** is a word formatted spreadsheet of complaints received against Members since the introduction of the new Standards Regime in July 2012. There have been a total of 6 complaints (although one relates to a complaint received under the old regime but processed under the new Code and Complaints Procedure.

- 2.8 The Complaint spreadsheet has been redacted to protect the identities of the elected Members involved and the complainants, who are in the main members of the public – although there was one officer complaint - but as required by the Constitution this was dealt with initially under the Members / Officers Protocol. The spreadsheet covers: Case Ref: Date of Complaint, Member, Complainant, Nature of Complaint, Initial Assessment, Investigation, Hearing, Outcome, Status, and Follow Up / Learning.

Training or Other Action Identified to avoid Further Complaints

- 2.9 No specific new Code of Conduct training needs have been identified beyond periodic training to help embed the new regime. However within the wider context training on members DPA responsibilities and Bias and Predetermination may be useful to Members. The Monitoring Officer has recently implemented a review of Member Training needs and all members are being canvassed at present.

Standards Work Programme

- 2.10 Beyond the receipt of regular monitoring reports that address the Committee’s oversight of ethical governance and complaints the Committee may wish to consider a wider Standards Work Programme to look at how current procedures may be improved and review of areas such as: Use of Council Resources, Guidance for Members, Revision of the Council’s Member / Officer Protocol; Development of Additional Guidance on Investigation of Complaints.

Conclusion

- 2.11 The transition to the new Standards arrangements has not been straight forward mainly due to the speed at which the changes were introduced and the fact little or no consultation was carried out with local authorities who are responsible for maintaining ethical standards. The number of complaints at this stage remains low. The new processes are in their infancy and the procedure and ways of working will probably benefit from a thorough review after 12 months of operation to reflect on its operation. Members may wish to raise any concerns they have at this stage and subsequently keep a note of potential changes they feel would enhance the Code of Conduct or supporting policies/procedures or other arrangements.

3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

- 3.1 None – periodic reports to Standards and Audit Committee to inform their oversight wholly appropriate

4. REASONS FOR RECOMMENDATION:

- 4.1 The Standards and Audit Committee is responsible for promoting and maintaining high standards of conduct by Members, advising on training

Members on the Members' Code of Conduct and maintaining oversight of the Council's arrangements for dealing with complaints

5. CONSULTATION (including Overview and Scrutiny, if applicable)

5.1 N/A

6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

6.1 The proposals contained in this report will help achieve good governance arrangements which are fundamental to the wellbeing of the Council.

7. IMPLICATIONS

7.1 Financial

Implications verified by: **Sean Clark**
 Telephone and email: **01375 652010**
sclarke@thurrock.gov.uk

There are no financial issues arising from this report. All costs associated with the investigation of complaints are met from with existing budgets

7.2 Legal

Implications verified by: **David Lawson**
 Telephone and email: **01375 652087**
David.lawson@bdtlegal.org.uk

There are no legal issues arising from this report. The matters covered by this report are generally requirements of the Local Government Act 2000 and the Localism Act 2011.

7.3 Diversity and Equality

Implications verified by: **David Lawson**
 Telephone and email: **01375 652087**
David.lawson@bdtlegal.org.uk

The report is to note only and / or to identify further actions. The subject of this report is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.

7.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

- Localism Act 2011
- Terms of Reference of the Standards and Audit Committee and Members' Advisory Panel
- Code of Conduct for Thurrock Council Members
- Procedure for making Complaints against a Councillor for a breach of the Code of Conduct
- Dispensation Procedure

APPENDICES TO THIS REPORT:

- **Appendix A Redacted Summary of Complaints**

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