

Currently the Council undertakes all of these except issuing a specific press release relating to the Annual Report. The Committee may therefore wish to consider adopting this approach. However this would need to be done after the General Election as in the period in the run up to the Election the Council does not undertake proactive publicity relating to Borough Councillors.

Financial Implications

There are no direct financial implications associated with this report.

Risk Management

No specific risks have been identified with this decision.

Background Papers: Annual return responses 2009
<http://www.standardsforengland.gov.uk/media/Annual%20return%20responses%202009.pdf>

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Standards Committee

Draft Annual Report

APRIL 2010

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This is the eighth Annual Report of Charnwood Borough Council's Standards Committee.

The Committee's main role is to promote and maintain high standards of conduct by councillors.

This applies to both Charnwood Borough Councillors and the members of the 27 Town and Parish Councils in the Borough.

All councillors have to follow a Code of Conduct which sets out the behavioural standards expected of them. The Standards Committee is responsible for overseeing the operation of the Code.

Since May 2008 the Committee has also been responsible for receiving complaints that Councillors have not followed the Code directly from the public.

This year the Committee is pleased to be able to report that there has been a fall in the number

of complaints it has received compared to the number it received last year.

Four new complaints were made about councillors during the year. Using the process described on page 2, the Standards Panel decided that one of these should be investigated.

Three of the new complaints related to Borough Councillors.

The remaining complaint related to a Parish/Town and was the complaint that was investigated.

Further details of a complaint made in 2008/09 that was determined this year by the Standards Panel can be found on page 3.

Other aspects of the work of the Committee and its plans for the year ahead are described in the remainder of this report.

Outcome	Complaints made in 2009/10	Complaints made in 2008/09
Not investigated	3	5
No breach of Code	0	1
Referred to Standards Panel	0	1
Referred to Adjudication Panel	0	0
Still under investigation	1	0
TOTAL	4	7

*Working with
Leader and
Interim Chief
Executive*

*More
information
about the
complaints
process and a
complaint form
are available on
the Council's
website*

Review of the year

In addition to dealing with complaints, the Committee has continued to carry out its other functions.

In September the Committee welcomed the new Leader of the Council and the Interim Chief Executive to its meeting. The Committee extended an open invitation to them to attend future meetings and it was agreed that a formal invitation would be issued if there were relevant items on the agenda.

The Committee has continued to review the guidance issued by officers on standards issues and to consider significant national cases so that it can identify new areas where advice and training may be required.

In December the Committee reviewed arrangements for ensuring high standards of conduct in the increasing amount of work Councils do in partnership with other organisations..

The Committee also contributed to the Annual Review of the Council's Constitution. This year there were no significant issues in the review affecting the work of the Committee.

The Committee did review its own procedures and decided that in the future all aspects of the complaints process would be dealt with by Panels made up of members and reserve members of the Committee.

How the complaints process works

When the Standards Committee receives a complaint, a Panel made up of members and reserve members of the Committee will meet to consider it and decide whether or not it should be referred for investigation or other action.

The Panel will only consider the information provided by the complainant plus readily available public information such as minutes of meetings or entries in the Register of Members' Interests.

The Panel can only consider complaints that Councillors have breached the Code of Conduct.

If a complaint falls within its remit, the Panel will decide whether the complaint merits further action. Among other reasons, the Panel will not normally refer for further action complaints:

- where the complainant has provided insufficient information;
- which are insufficiently serious to warrant further action;

- which happened so long ago that there would be little benefit in taking action.

If the Panel decides not to take further action about a complaint, the complainant is able to ask a different Standards Panel to review the decision.

At the end of any investigation a new Panel will consider the investigator's report and decide whether there should be a hearing or not. The investigator and the member who has been complained about are able to make their case and call witnesses at a hearing.

Complaints about councillors—further information

Determination hearing

One investigation begun in 2008/09 was concluded this year and the investigator found that there had been a breach of the Code of Conduct. This complaint was referred to the Determination Standards Panel for determination.

The complaint was that Christopher Clarke had breached the Code of Conduct of Birstall Parish Council by failing to treat the Parish Clerk with respect.

The Panel concluded that in letters and at meetings Mr Clarke had failed to treat the Clerk with respect and that this was a breach of the Code.

Mr Clarke resigned from the Parish Council and therefore the only sanction the Panel could impose was to censure him, which it did.

Despite there being one hearing during the year, the Committee is pleased to report that the number of complaints referred to the Determination Standards

Panel or the Adjudication Panel remains low.

The Determination Standards Panel considers complaints which have been investigated and the investigation concludes that there has been a breach of the Code.

The Adjudication Panel is a national body that hears the most serious complaints about councillors from the whole of England. From 18th January 2010 this became the First-tier Tribunal (Local Government Standards in England).

This hearing was the only one that has been held by either the Determination Standards Panel or the Adjudication Panel in the last three years.

The bigger picture

Information collected by Standards for England, the national body which oversees standards issues, suggests that the situation in Charnwood in relation to complaints is good. The average number of complaints received by district council Standards

Committees like Charnwood's is 12 and the average number received by Standards Committees with responsibilities for parishes is 14.

This figure is affected by the number of parishes and parish councillors involved but the Committee is very pleased to record that this year there has only been one complaint about a parish councillor out of a total of four during the year.

The investigation into one complaint that a Councillor breached the Council's Planning Code which was begun in 2008/09 was concluded this year. The matter was resolved by agreement and there was no need for the Standards Panel to hold a hearing.

No complaints involving an allegation that one of the Borough Council's codes and protocols other than the Members' Code of Conduct were investigated by the Monitoring Officer during the year.

Looking ahead to next year

During the year the Committee identified a need to review the training provided on standards related issues and decided it will look at this on an annual basis.

The Committee is also aware that should the planned changes to the Members' Code of Conduct be implemented there

will need to be further guidance and training provided to councillors.

The Committee will also be looking ahead and considering training arrangements for new and returning councillors following the Borough and Parish elections in May 2011.

The Committee plans to continue holding regular meetings with Parish and Town Council Clerks. These now include discussion of a wide range of issues in addition to considering how the Code of Conduct applies at the Parish/Town Council level.

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This information is available in different formats.

To access these please phone 01509 634560

Members of the Standards Committee

There have been a number of changes to the membership of the Committee since the last Annual Report.

Councillor John Capleton and Councillor Pauline Ranson have been replaced on the Committee by Councillor Iain Bentley and Councillor Stephen Campbell. Councillor Campbell returned to the Committee after completing his year in office as Mayor.

Following the resignation of Mr Peter Treasaden due to work commitments, Mr David Lindley was appointed as an Independent Member of the Committee.

The Committee would like to thank Mr Treasaden and Councillors Barkley and Ranson for their contribution to its work.

In addition the Committee recruited an additional Parish Member—Kathryn Paterson of Quorn Parish Council.

The current members of the Committee are:

- Mr Philip Tomlinson (Chair) (Independent Member)

Members of the committee

- Mr David Lindley and Mr Michael Pearson (Independent Members)
- Councillors Betty Crick, Toby Griffiths and Kathryn Paterson (Parish Members)
- Councillors Iain Bentley, Stephen Campbell, Helena Edwards (Vice-chair), Ken Pacey and Jill Vincent

The Committee also has three

reserve members, who are Councillors Jane Hunt, Betty Newton and David Walker.

The Committee is supported by the Director of Governance and Procurement, Simon Jackson, who is the Monitoring Officer, and the Standards and Monitoring Support Officer, Michael Hopkins, who is the Deputy Monitoring Officer.