

Annual Report of the Standards Committee for 2008/9

The terms of reference of the committee (which are available to be seen on the Council's website or at Council offices) have as their core the promotion and maintenance of high standards of conduct by council members. This is a wide remit. However, in the year under review there was performed a narrower, practical emphasis in the work of the committee, as it concentrated on the implementation of a major change in the operation of the statutory Code of Conduct for council members.

Early in May, 2008 national arrangements for the Code's administration altered radically. As the culmination of a process of devolving administration from a central body, the Manchester-based Standards Board for England, to the local level, it became necessary for all allegations that a councillor had acted in breach of the Code to be submitted to a relevant Local Authority to be dealt with, instead of to the Standards Board.

In our area, the relevant Local Authority is Wychavon District Council for complaints against members of that Council and of all Town and Parish Councils within the District. Extrapolation from national statistics by the Standards Board had suggested that a district such as ours might expect to be dealing with perhaps a score of complaints a year. In the event, the figure has been substantially lower than that.

The initial handling of complaints now involves the consideration of them by an Assessment Sub-Committee of the Standards Committee. In Wychavon the sub-committee comprises three members from the committee, chaired, as required by law, by an independent member (that is, a member who is not himself or herself a Councillor or council officer). The composition of the sub-committee varies from case to case, so that all members of the committee have experience of sub-committee work.

The Assessment Sub-Committee comes to a decision on the basis solely of the information supplied by a complainant: the councillor concerned has no input at this stage. The decisions which the sub-committee can make are in essence either to take no further action on the complaint or to refer it to Wychavon's Monitoring Officer for investigation. In the latter situation, the committee as a whole will subsequently consider a report which the investigator has to prepare and which will take into account input from the councillor concerned, and a formal hearing may then ensue. If the assessment sub-committee decides to take no action on a complaint, the complainant has a right within a limited timescale to ask for the decision to be reviewed by another sub-committee, with three different members drawn from the Standards Committee: the review sub-committee has the same powers as the assessment sub-committee. Sub-committee decisions, including the reasons for them, are set out in a Decision Notice which is sent to the complainant, councillor and clerk to any relevant parish or town council.

In 2008/9 the Committee received nine complaints, all from members of the public (as opposed to council officers or other councillors): three were against Town/Parish Councillors, and six against District Councillors. The parts of the Code of Conduct alleged to have been breached covered variously those dealing with failure to treat other people with respect, bringing of office or council into disrepute, failure to declare a personal interest, mis-use of council resources, intimidation of a likely complainant, failure to keep the members' register of personal interests up-to-date, bullying, and use of position improperly to secure an advantage.

In seven of the nine cases the sub-committee (including in one instance a review sub-committee) finding was that there had been no breach of the Code. In one case, the conclusion was that there appeared to have been a breach but that it would not be in the public interest to take further action on it. One complaint was referred for investigation.

In preparation for its new role the Committee had undertaken substantial self-training, using Standards Board material. It developed and made publicly available a set of underlying criteria to be applied in assessing complaints: these are designed particularly to eliminate complaints which may be trivial, or very stale in time terms, or be based on malice or tit-for-tat situations; or which cover matters relating to a councillor's competence rather than ethical conduct or have nothing to do with his or her position as a councillor; or about which insufficient information has been given by a complainant. The Committee also had a complaint form designed and promulgated, and developed a policy, based on preserving confidentiality in relation to complaints unless and until such time as they are properly put into the public domain (which ordinarily is not until they have reached a hearing stage), for working with the Press (who have been briefed on the new arrangements). The public in general were acquainted with those arrangements through The Wychavon Magazine and other Council media.

Throughout the year the Committee had a settled membership of eight people, three District Councillors (Gaynor Amphlett, Pershore; Laurie Evans, Droitwich; and Emma Stokes, Vice Chairman, Evesham), two Parish/Town Council representative members (Brian Browne, Charlton, and Bob Pinfield, Cookhill) and three independent members (Fred Noble, Pershore; David Warner, Upton Snodsbury; and John Blakeley, Chairman, Cleeve Prior).

There were five meetings of the Committee (which are open to the public to attend) during the year, and additionally a number of sub-committee meetings (which are not open to the public) to deal with the complaints assessment workload outlined above. Amongst other matters considered by the Committee than those relating to the new assessment procedures were the outcome of a complaint investigation initiated by the Standards Board and therefore ante-dating those procedures (the Committee accepting a finding by the investigator that there had been no breach of the Code of Conduct by a Parish Councillor); a response to a central government consultation on proposals to issue a further revised version of the statutory Code of Conduct; monitoring the effectiveness of Code; and developments in legal interpretation of the Code. The Committee also arranged a training event on the new Standards arrangements in October 2008 for Town and Parish Councillors. One member of the Committee attended the Annual Assembly of Standards Committees in the same month in Birmingham.

Overall, in 2008/9 the Committee was on a learning curve. I am grateful for, and must pay tribute to, all the hard work, and success, of Committee members in getting to grips with their new role, and for their good spirit, common sense and effective teamwork in all aspects of the Committee's work. I am grateful also for the understanding and support that has been given by the Council's leadership, both Councillor and Officer, and in regard to the day to day operation of the Committee thanks must be expressed to the Committee's Clerk, William Wade, and, above all, to the Council's Monitoring Officer, Ian Marshall.

This Report was approved by the Standards Committee at its meeting on 3rd June, 2009 and adopted by the Council on 23rd June, 2009.

John C Blakeley
Chairman of the Committee

STANDARDS COMMITTEE



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