



# Annual Report

of the Standards & Ethics Committee  
2009 – 2010

## Introduction

by the Independent Chairman,  
**Bill Hannis:**

“ This is the fourth Annual Report of the Standards and Ethics Committee of the Stratford-on-Avon District Council. It covers the Council Year 2009/10.

The Standards and Ethics Committee met 7 times in public session. In addition, 6 Initial Assessment Sub Committees were convened in order to hear and assess complaints of alleged misconduct by Councillors (District, Town or Parish) and 1 Local Determination Sub Committee was convened in March 2010 in order to hear and determine a complaint referred by the Monitoring Officer. The outcome of the assessment and local determination of these complaints is available under “Local Assessments” and “Local Determinations”.

There was one appeal under the Freedom of Information (FOI) Act and the outcome of this determination is published under “Freedom of Information Appeals”.

The Committee membership remains the same as the last annual report, except for a change amongst the District Councillors. The Committee was informed in January 2010 that Councillor Philip Seccombe had retired from the Committee and that Councillor Tony Cronin had been appointed as a member.

I would like to thank all Members of the Committee for their valuable contributions and commitment to attending Committee and Sub Committee meetings, training and presentation sessions during the year. Thanks are also due to the Monitoring Officer, Liam Nevin, his Assistant, Liz Griffiths and Code of Conduct Officer, Julia Bates. ”

**Bill Hannis, Chairman**



## ACTIVITIES DURING 2009/10

Key activities last year include:

### Training

On 30 September 2009, the Local Government Ombudsman, Mrs Anne Seex, gave a presentation at Elizabeth House to Members of the Committee on the Annual Review. She also discussed the work of the LGO and Commission for Local Administration in England. This session was combined with a training presentation given by the Monitoring Officer on the Revised Code of Conduct.

A training session on Local Determinations Hearings, run by external trainer Marilyn McCarron, took place on 22 October 2009. This was a shared session held at Elizabeth House and several members of the both Standards Committees for Stratford and Warwick District Councils attended, together with officers. Attendance at this was a requirement for Members conducting hearings into alleged misconduct.

The Monitoring Officer held two presentations - in July 2009 and March 2010 - for Members of the Committee on the Freedom of Information Act. Attendance was recommended for Members attending Determination of Appeals (Freedom of Information) Sub-Committees.

### Local Assessments

A total of 7 complaints were assessed during the year to May 2010. The Decision for six of these assessments was "no further action". However, one complaint resulted in a decision for the Monitoring Officer to investigate and on 29 March 2010, a Local Determination Hearing took place.

Further details on the Decision Notices for local assessments made in the 6 months prior to May 2010 can be viewed via the Standards and Ethics web pages, published on the Council's website, [www.stratford.gov.uk](http://www.stratford.gov.uk).

### Local Determinations

The local determination procedure applies after the Standards and Ethics Committee has decided that a complaint should be investigated following an assessment.

The Standards and Ethics (Local Determination) Sub Committee met once in March 2010 to consider a referral from the Monitoring Officer.

The complaint concerned allegations that, at a meeting of a Parish Council, a Councillor declared a prejudicial interest in relation to the payment of invoices (including one submitted by himself), but was not recorded as having left the meeting during consideration of that item and was recorded as having seconded the motion to approve the payments in question.

In summary, the Committee found that

- (1) That the minutes of the Council meeting indicating that the Councillor had remained in the room whilst the item was considered and seconded the motion to approve payment of invoices could not be relied on as an accurate record.
- (2) That the Councillor's prior conduct in relation to interests had been exemplary and therefore even had he remained in the room and seconded the motion, such action on his part would have been consistent with a mistake and not a deliberate act to use or attempt to use his position as a member improperly to confer or secure for himself an advantage.
- (3) That on the balance of probabilities the Councillor had not failed to leave the meeting, and had not seconded the motion, in contravention of Paragraph 12(1) of the Code of Conduct.

The Sub Committee determined that NO BREACH of the Code of Conduct had occurred.

### Freedom of Information Appeal

The Committee considers appeals from the public in respect of officer refusal to provide information under the Freedom of Information Act.

One appeal was received this year. The request for information related to how many times the Council had given listed building consent for Slimlite double glazing units and the reference number for any permissions. The matter was considered by the Standards and Ethics Determination of Appeals (Freedom of Information) Sub Committee on 27 August 2009 and it was decided to uphold the officer decision not to comply with the request, since the time estimated to search approximately 1,750 relevant applications would exceed the appropriate time limit of 18 hours.

### Whistleblowing Procedure

The Committee has continued to monitor its usage and to report any concerns of alleged malpractice in the Council.

## Planning and Licensing Services

The Committee has again been active throughout the year in monitoring the availability, content and quality of training provided to Councillors with responsibility for planning and licensing matters.

## Planning

The Committee has continued to receive updates and conducted reviews of improvements within the Planning Service.

### OUR ROLES AND RESPONSIBILITIES

The Committee was established in 2001 as a requirement of the Local Government Act 2000. Its principal responsibility is the promotion of ethics and high standards of conduct within the District Council and Parish Councils.

#### The main functions of the Committee are:

- To promote and maintain high standards of conduct by Councillors, co-opted members and the staff of Stratford District Council;
- To advise the Council on adoption/revision of the Code of Conduct;
- To assist Councillors and co-opted members to observe the Members' Code of Conduct (this document covers District or Parish Councils and can be located on the Council's website [www.stratford.gov.co.uk](http://www.stratford.gov.co.uk) search "C" in AZ for "Code of Conduct";
- To be responsible for receiving alleged complaints against Councillors and assessing them;
- To hear and determine (through a Sub-Committee) any complaint referred for investigation under the provisions of the Local Government Act 2000.
- To monitor complaints handling and Ombudsman investigations;
- To consider the ethical framework for local government;
- To oversee the Council's Whistleblowing Policy and Procedure;
- To oversee the Council's Constitution in relation to issues of standards and probity;
- To review the Council's involvement on outside bodies, i.e. how the Council is represented in other organisations and associations in the community;
- To monitor the content, quality and delivery of training for Councillors in connection with the planning and licensing processes and also their attendance at such training; and finally
- To ensure that Freedom of Information legislation is complied with (for further details, please refer to "Information Commissioner" under "Useful Website links").

## MEMBERSHIP

The Standards and Ethics Committee is made up of the following:

- **four District Councillors** (other than the Leader) nominated by the political groups in proportion to the make up of the Council;
- **five Independent Members** (one of them must Chair the Committee) nominated by the Committee itself following public advertisement and interview. Independent Members are not associated with the Council but are members of the public who express an interest in the work of the Committee;
- **four Parish Councillors** are appointed directly by the Committee. At least one Parish Member must be present when matters relating to parish councils or their members are being considered.

All Members of the Committee are entitled to vote at meetings.

# The Members of the Committee during the 09/10 Council year were:



## Sue Adams

is a District Councillor and was elected in August 2006. She joined the Standards and Ethics Committee shortly thereafter.



## Rosalind Bolton

who is a Parish Councillor and the Chairman of Wellesbourne Parish Council. She was appointed to the Committee in 2003.



## Tony Cronin

is a District Councillor and became a member of the Committee in January 2010.



## Peter Goldson

who is a Parish Councillor, and was appointed to the Committee in 2007.



## Michelle Hardy

is a Parish Councillor and was appointed to the Committee in May 2009.



## Marianne Myers

is a Parish Councillor and was appointed to the Committee in May 2009.



## Isobel Seccombe

is a District Councillor. She was elected to the Council in January 2002 and has been a member of the Committee since 2002.



## Dr Peter Bebbington

who is an Independent Member and Vice Chairman of the Committee and was appointed to the Committee in July 2005.



## Edward Cook

is an Independent Member and was appointed to the Committee in May 2008.



## Anne Dorow

is an Independent Member and was appointed to the Committee in May 2009.



## William Hannis

who is the Chairman of the Committee and was appointed an Independent Member in Autumn 2006.



## John Moody

is an Independent Member and was appointed to the Committee in May 2008.



## Daren Pemberton

who is a District Councillor. Elected to the Council in May 2006, he joined the Standards and Ethics Committee in 2007.



## Philip Seccombe

is a District Councillor, and became a member of the Committee in 2008. He was replaced by Tony Cronin during this Council year.

