



Annual Report

of the Standards & Ethics Committee
2008 – 2009

Introduction by the Independent Chairman, Bill Hannis:

“This is the third Annual Report of the Standards and Ethics Committee of the Stratford upon Avon District Council. It covers the Council Year 2008/09.

Until May 2008, an independent body known as the Standards Board for England (SBE), handled all complaints against councillors who may have breached the Code of Conduct. However, from May 2008, the Council's Standards and Ethics Committee is now responsible for receiving and assessing these complaints.

The SBE has become a strategic regulator. This means it will oversee how quickly we are dealing with complaints and whether we handle them in accordance with best practice. Moreover, it will continue to oversee Councillor conduct in local government, although it will now only investigate those complaints which cannot be investigated locally. It will also provide advice and support to Monitoring Officers and Standards Committees.

The Standards and Ethics Committee met 6 times in public session. In addition, 6 Local 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 Committees were convened in order to hear and determine a complaint referred by the Standards Board for England, under the provisions of the Local Government Act 2000. The outcome of the assessment and local determination of these complaints is published under “Local Determinations” on the next page.

There were no appeals under the Freedom of Information (FOI) Act.

The Committee membership (full details are given on the last page) remains the same as the membership set out in my Introduction on the first page of the Annual Report for 2007-2008. However, the Committee faced significant change after May 2009 when the term of office for five Members expired. As a result of interviews held in March and April 2009, two of these Members, Dr. Peter Bebbington and Councillor Rosalind Bolton, were re-appointed. The Members who retired at the Annual Meeting of the Council were Parish Councillors Tom Ross and Myles Pollock and Independent Member Mr Neville Shannon. They are succeeded by Parish Councillors Michelle Hardy, Marianne Myers and Independent Member Mrs Anne Dorow.

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



ACTIVITIES DURING 2008/09

Achievements last year include:

Training

During a meeting held in the summer 2008, Committee members discussed a need to raise awareness of their work. Consequently, all Parish/Town clerks were asked whether their Councils would be interested in receiving a brief talk about their work by the Standards and Ethics Committee members. Several Councils expressed an interest and Committee members have, therefore, attended their Parish/Town meetings on various dates between October 2008 and January 2009. The feedback from these visits has been very positive and both Committee Members and Parish Councils have found them beneficial.

In addition, the Monitoring Officer, Liam Nevin, gave presentations on the Code of Conduct in Studley, Southam, Shipston on Stour and Alcester. These were held during autumn and winter 2008 and spring 2009 and were well received. Parish and Town Councillors and Clerks said the opportunity to find out more about the Code had been useful.

Local Assessments

The new Procedure for the Local Assessment of Complaints is now established and, together with the Complaints Form, can be viewed on the Council's website. Key points on the Procedure have been reported in the Committee's Newsletter, "Decorum" which is circulated to District Councillors and Parish and Town Councils throughout the District.

Members of the Standards and Ethics Committee have settled into their new role and since their first Meeting in July 2008, the Standards and Ethics (Local Assessment) Sub Committee (with different Members) has convened six times to consider whether to refer complaints for investigation. In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Initial Assessment Sub-Committee of the Standards and Ethics Committee decided that no action should be taken on the allegations.

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 Board for England issued new guidance last year, entitled "Standards Committee Determinations", and this is available on their website www.standardsboard.gov.uk. The guidance has been incorporated into the Council's own procedures.

The Standards and Ethics (Local Determination) Sub Committee met once in December 2008 to consider a referral from the Ethical Standards Officer of the Standards Board for England. In summary, the Committee found that a Member of the Town Council concerned had breached the Code of Conduct and it was determined that he be censured and obliged to publish an apology in the Town Council newsletter, or another local and widely circulated publication.

Further details on these local assessments and local determinations can be viewed in their Decision Notices, published on the Council's website, www.stratford.gov.uk.

Freedom of Information Appeal

The Committee approved the new Freedom of Information Publication Scheme for the Council. This now provides for public access to a very wide range of council documents. The Committee considers appeals from the public in respect of officer refusal to provide information under the Act when the reason given is that the public interest favours confidentiality. No appeals were received this year.

Whistleblowing Procedure

Minor amendments to this procedure were approved by the Committee in November 2008, and we have 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. It has worked closely with Officers to devise methods for evaluating the effectiveness of such training.

Planning

The Committee continues to receive updates and reviews improvements within the Planning Service.

Licensing

The Head of Environment has provided updates on the training required and undertaken by Members, which enables them to serve on Licensing committees. The continued importance of this training is highlighted and the Committee supports the training for all members who are involved in the decision making process.

- 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").

OUR ROLES AND RESPONSIBILITIES

The Committee was established in 2001 as a requirement of the Local Government Act 2000 and 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.uk search "C" in A-Z 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;

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.

MAIN CHALLENGES FOR THE YEAR AHEAD

The work of the Committee is inevitably changing with the introduction of local assessments of complaints being undertaken by the Committee rather than the Standards Board for England. On average, the Committee can expect to receive about 20 such complaints a year, and must carefully consider what, if any, action to take.

This year sees changes in the membership of the Committee. It is important, therefore, that we offer the necessary training to new Members in order for them to develop skills required for the many varied duties of the Committee.

The Members of the Committee during the 08/09 Council year were:

Sue Adams

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



Dr Peter Bebbington

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

Rosalind Bolton

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



Edward Cook

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

Peter Goldson

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



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.

Myles Pollock

who is a Parish Councillor and was appointed as Member of the Committee in September 2002.



Tom Ross

who is a Parish Councillor and was appointed to the Committee in September 2002.

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.



Philip Seccombe

is a District Councillor. He was elected to the Council in 2002 and has been a member of the Committee since 2008.

Neville Shannon

is an Independent Member and was appointed to the Committee in July 2005.

