

## Report of the City Solicitor to the meeting of the Standards Committee to be held on 17 May 2011.

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### Subject:

Standards Committee Annual Report 2010/11

### Summary statement:

The Standards Committee is invited to consider the draft Annual Report attached at Appendix 1 and comment on its contents.

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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



**1. Summary**

- 1.1 The Standards Committee is invited to consider the draft Annual Report attached at Appendix 1 and comment on its contents.

**2. Background**

- 2.1 It is good practice for the Standards Committee to produce an Annual Report to review the work carried out by the Committee and highlight the challenges for the next municipal year.
- 2.2 The format of the Report sets out the membership of the Committee, gives details of the work programme, the Committee's roles and responsibilities and then reviews the work undertaken by the Committee in this municipal year.
- 2.3 The Report also contains details of the local assessment of complaints and of the complaints received and dealt with under the procedure. In previous years the Committee has considered a separate report of complaints received. However since this information is included in the Annual Report the assessment has been combined with this report at Paragraph 3 below. Finally the report sets out details of the training undertaken by members and information about the Regional Standards Conference.
- 2.4 The Report concludes by setting out some of the challenges facing the Committee in the next municipal year.

**3. Annual Review of Complaints Received**

- 3.1 The role and functions of the Standards Committee include assessment and determination of complaints relating to compliance with the Code of Conduct for Councillors. In addition the role includes promotion and maintenance of high standards of conduct by members of both the District Council and Town and Parish Councils. In undertaking the first role it is important to assess the type and number of complaints received to ascertain if there are any issues which touch upon the second role in terms of providing guidance and additional information to ensure compliance is maintained and reduce the number of complaints received.
- 3.2 Standards Committee recognise the need to review the nature and type of complaints received to assist in undertaking their role of promoting and maintaining high standards. The Standards Committee work programme therefore includes a review of the type and nature of complaints received on an annual basis.
- 3.3 During the municipal year 2010/11 up to the date of this report Standards Committee has received eleven complaints relating to the conduct of members of the District Council and members of Town and Parish Councils. The table included in the attached Annual Report at Appendix 1 sets out information relating to the type of complainant, the status of the subject member, the outcome of the assessment and whether or not a review was requested of the initial assessment. Members are asked to consider the information provided in the table.
- 3.4 In addition the Monitor Officer has reviewed the case summaries in each of the eleven complaints. Having reviewed the case summaries it would appear that complaints fall into the following categories:

|   |    |
|---|----|
| • Failing to treat people with respect  | 7  |
| • Using their position improperly to confer on or secure an advantage or disadvantage   | 7  |
| • Conduct which could reasonable be regarded as bringing the office or authority into disrepute   | 6  |
| • Actions which compromise impartiality of those who work for or on behalf of the authority   | 4  |
| • Bullying  | 3  |
| • Doing something which may seriously prejudice their authorities ability to comply with any of its statutory duties under the equality law | 3  |
| • Failing to declare a prejudicial interest   | 3  |
| • Taking part in a discussion where they have a prejudicial interest  | 3  |
| • Using Council resources for political purposes  | 2  |
| • Failing to declare a personal interest  | 2  |
| • Failing to update the register of interest  | 1  |
| • Preventing another person from gaining access to information to which that person is entitled to by law                                   | 1  |
| • Improperly influencing the decision about a matter  | 1  |
| • Intimidating or attempting to intimidate someone who is likely to be a complainant or witness in relation to an investigation.            | 1  |
| Total:  | 44 |

3.5 Members will note that almost 50% of the allegations made relate to an alleged failure to treat people with respect, using their position improperly to confer or secure an advantage or disadvantage or conduct which could reasonably be regarded as bringing their office or authority into disrepute. This is consistent with the previous years results although there has been an increase in the allegations of improper use of position which is now the second most common allegation whereas it was the third most common allegation last year.

In addition members will note that the number of different types of allegations have increased. Last year allegations fell into one of twelve categories whereas this year there are fourteen categories. This may partly be due to the amendment made to the complaint form as a result of a review by the Standards Committee where it was suggested that the types of breach should be listed in the Complaint Form to facilitate complainants identifying the part of the Code they believe has been breached. This has resulted in some instances of complainants simply ticking a number of boxes on the form.

3.6 The Monitoring Officer has reviewed the case summaries and the Complaint Form and notes that often the complainant identifies the Paragraph it is alleged that has been breached by ticking the appropriate box on the Complaint Form but then the body of the form and the explanation provided by the complainant does not substantiate why it is alleged that paragraph has been breached. It is noted that Assessment Sub-Committees have sometimes struggled to understand what exactly is the conduct that is the subject of the breach. It may be that complainants

do not fully understand the need to articulate in some detail why they feel a particular member has failed to comply with the Code.

- 3.7 Standards Committee have identified this as an issue with the present Complaints Procedure that should be addressed under any new Code if it is agreed to have a local Code following the implementation of the Localism Bill. If it is agreed to continue with a local Code Standards Committee would like to consider how the assessment process can be improved to address these difficulties.

**4. Other considerations**

- 4.1 The Annual Report enables members and officers to be informed of the Committee's role and of its inputs and outputs. It is one method of raising the profile of the Standards Committee which the Committee will understand is an important issue. The Annual Report makes a contribution to the Corporate Governance arrangements of the Council by providing an opportunity to review the work undertaken by the Standards Committee to support the Ethical Governance Framework.

**5. Financial and resource appraisal**

- 5.1 The issues raised in the Annual report do not have any direct financial consequences.

**6. Legal appraisal**

- 6.1 It is important that the Council has regard to the Ethical Framework within which it operates to ensure high standards of conduct are maintained. The Standards Committee Annual Report contributes to that Review of the Ethical Framework.

**7. Other implications**

- 7.1 There are no equal rights, sustainability, community safety, Human Rights Act, trade union implications arising from this report.

**8. Not for publication documents**

- 8.1 None.

**9. Recommendations**

- 9.1 Standards Committee is asked to consider the attached draft Annual Report and make any suggestions for amendment or additions as appropriate.
- 9.2 That the Standards Committee considers the data provided relating to the complaints received and discuss possible actions to deliver improvements to the complaints process.

10. **Reasons for the recommendations**

To ensure an accurate and robust annual report is produced to review the work of the Standards Committee.

11. **Appendices**

11.1 Appendix 1 – Annual Report of the Standards Committee 2010/11.

12. **Background documents**

12.1 None

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