



# **THE STANDARDS COMMITTEE**

## **ANNUAL REPORT OF 2006/2007**

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**STOCKTON-ON-TEES BOROUGH COUNCIL**  
**ANNUAL REPORT OF THE STANDARDS COMMITTEE**  
**2006/2007**

**1. Introduction**

This is the second Annual Report of the Standards Committee. As before the purpose of this report is not only to provide an overview of the work of the Committee in the past year, but also to identify and promote examples of best practice and to provide an opportunity to review and learn from experience. This report, therefore, again sets out the Committee's statutory responsibilities, summarises how these duties have been discharged during 2006/07 and draws attention to those issues that will require further work in the year ahead.

**2. The Standards Committee**

**2.1 Function**

The Standards Committee's general functions are:-

- (a) promoting and maintaining high standards of conduct by the Members and co-opted Members of the authority; and
- (b) assisting Members and co-opted Members of the authority to observe the authority's code of conduct.

The Committee's specific functions are:-

- (a) advising the authority on the adoption or revision of a code of conduct;
- (b) monitoring the operation of the authority's code of conduct; and
- (c) advising, training or arranging to train Members and co-opted Members of the authority on matters relating to the authority's code of conduct.

The Committee's general and specific functions apply to all Town and Parish Councils within Stockton's administrative area.

**2.2 Membership and Structure**

The Standards Committee comprises five Members of the Council, three independent Members and two Parish Council representatives. The Committee is chaired by one of the independent Members, Francis Hayes. The full membership, showing those individuals who served on the Committee during the year, is attached at the **Appendix** to the report.

**2.3 Comments from the Chair of the Standards Committee**

One of the Committee's principal responsibilities is to secure an appropriate and effective level of advice and training for Stockton's Members and for the Members of Town and Parish Councils in the Borough. Arrangements and plans continue to be in place to ensure that this happens and this will be especially important in relation to

the revised code of conduct for Members. It will also be crucial for guidance and training to continue to be provided to the Committee itself for the purposes of its proposed new, enhanced role in relation to misconduct hearings.

In addition to this, the Committee must continue to develop its role regarding the Authority's corporate governance and ethical framework.

### **3. Conduct of Members - Local Determination and Investigation of Misconduct Allegations**

3.1 The Standards Committee received reports during the year, which provided details of allegations of misconduct about Stockton Councillors and Town/Parish Councillors referred to the Standards Board for England for the periods 2005/06 and 2006/07.

3.2 As a comparison, the data revealed the following:-

#### **Stockton-on-Tees Borough Council**

- During 2006/07 there were six allegations/referrals of complaints about Stockton Councillors to the Standards Board. Seven Councillors in total were involved. This compared to eleven allegations/referrals of complaints and eleven Councillors being the subject of those allegations/referrals during 2005/06
- Of the six allegations/referrals to the Standards Board in 2006/07, none of those were referred to an Ethical Standards Officers ("ESO") for investigation.
- Of the eleven allegations/referrals to the Standards Board in 2005/06, four of the allegations were referred to an ESO for investigation.
- Insofar as those four referrals for investigation were concerned, they resulted in no evidence of failure to comply with the Code of Conduct in three cases, and in the one case where a breach was found to have occurred, no action was considered to be required.
- One allegation was referred to the Standards Committee during 2006/07. Paragraphs 3.3 to 3.5 of this report refers.

#### **Town/Parish Councils**

- For the period 2006/07 two allegations against Town/Parish Councillors were referred to the Standards Board. Two Town/Parish Councillors were involved.
- During the period 2005/06 five allegations were submitted to the Standard Board regarding Town/Parish Councillors. Five Town/Parish Councillors were the subject of these complaints. All five complaints were referred to an ESO for investigation.
- As regards these five investigations the decision in each case was that breaches of the Code of Conduct had occurred but that no action needed to be taken.
- One allegation against a Town/Parish Councillor has been referred to the Standards Committee for local investigation in 2006/07. This matter is ongoing.

- 3.3 The Committee considered an Investigation report under Section 60(2) of the Local Government Act 2000 in September 2006. The Committee accepted the report's finding that there had been no breach of the code of conduct, but recommended to the Council that the draft planning code of good practice should be reviewed, updated and approved by the Council in order to provide detailed guidance to Members when dealing with planning applications.
- 3.4 The Committee is pleased to note that the Council accepted this recommendation and that the planning code of good practice was reviewed, updated and approved on 17<sup>th</sup> January 2007 (minute 940 refers).
- 3.5 The Committee subsequently considered a report that provided views on lessons learned from the referral under Section 60(2) of the Local Government Act 2000. The referral was considered to highlight a number of issues/lessons to be learned. These issues/lessons related to:-
- the clarity of the nature and scope of the ESO's referral
  - liaising with complainant/witnesses
  - dealing with additional issues arising from the investigation
  - confidentiality/openness
  - specifying and observing time limits
  - resources
  - designated Investigators
  - Investigating Officers Report Format

#### **4. Standards Board for England**

- 4.1 The Committee has continued to be kept informed of the Standards Board's work.
- 4.2 In May 2006 the Committee were advised of a new complaints leaflet and the procedure for informing the Committee when an investigation would be taking place.
- 4.3 The Committee was informed that the Standards Board recommended to Monitoring Officers that when a complaint was referred to them, for local investigation, they should notify Members of the Standards Committee in a confidential memorandum that he/she was conducting an investigation. However, they should not inform Members of the identity of the Member or the complainant, in order to avoid any risk of prejudicing any subsequent hearing.
- 4.4 The Committee's agreed investigation procedure provided that "the Monitoring Officer would take appropriate action to ensure that each Member of the Standards Committee was aware that a referral had been made and that an investigation was taking place, bearing in mind the Standards Board guidance on local investigations."
- 4.5 The Committee also considered guidance on:-
- the sanction of suspension; the circumstances when it might be a justifiable sanction and the implications of suspending a member; and
  - what action a member with a personal and prejudicial interest was able to take regarding the matter the subject of the interest.

- 4.6 The Committee was provided with extracts of guidance from the Adjudication Panel and also from the Standards Board. The Adjudication Panel's guidance related to action to be taken by a Case Tribunal where a respondent had been found to have failed to comply with a Code of Conduct, and provided details of the factors which might lead to a decision to suspend or partially suspend a Member. There was also guidance for interim case tribunals on interim suspensions.
- 4.7 The Committee agreed that the guidance would be useful for the Standards Committee should it be required to consider what sanctions (suspension or partial suspension including) it should reasonably and properly apply in any given case.
- 4.8 The Committee also received guidance from the Standards Board regarding action, which a Member could properly take in relation to a matter in which he/she had a personal and prejudicial interest (eg by making written representations about the matter, but indicating the nature of their interest and stating expressly that their representations were being made in a purely private capacity). Members could attend the meetings of other authorities, that they were not members of, as long as it was clear that they were only representing their own private views.
- 4.9 It was, however, noted that consultation on the new code of conduct had indicated that there would be a relaxation of the requirement, for Members with prejudicial interests, to leave meetings. The Committee agreed that it would be interesting to note the particular wording of the new code and the affect it would have on this issue.

## **5. The Adjudication Panel for England**

- 5.1 In addition to the advice and guidance from the Adjudication Panel referred to in paragraph 4.6 previously, the Standards Committee also received the following documents during the year:-
- Significant Adjudication Panel decisions, including brief case summaries
  - Press releases on key Adjudication Panel decisions
  - Adjudication Panel press release on the Code of Conduct
  - Mayor of London - Adjudication Panel/High Court decision

## **6. Training in Standards of Conduct and Probity**

- 6.1 The Committee received several reports regarding the new Members' Learning and Development Strategy and the Committee noted that the Strategy also covered co-opted Members of the Authority. The Committee supported signing up for the North East Charter for Elected Member Development and the action plan for implementation.
- 6.2 A key feature of the Strategy was the induction programme for Members post the 3 May elections. This included sessions on ethics and standards, and the code of conduct.

- 6.3 All elected Members, co-opted members and Town/Parish Councils were to be invited to these sessions.

### **Stockton's Members**

- 6.4 The focus in 2006/07 will be to ensure that all Members receive guidance and training regarding the proposed new Code of Conduct for Members and in relation to the emerging enhanced role for the Standards Committee.
- 6.5 Details of the consultation on the proposed new Code and information about its provision were disseminated to Members during the latter part of February and in March 2007.
- 6.6 Training and guidance materials from the Standards Board will be utilised for training in 2007/08.

### **Stockton's Officers**

- 6.7 Although not directly a Standards Committee function, any new employee model code of conduct will need to form part of extensive guidance and training for the Council's employees. The position regarding the promised new model code is, however, uncertain at the time of the writing of this report.
- 6.8 Information about the new Members' Code of Conduct will be disseminated as widely as possible to employees. The information outlined at paragraph 6.5 was also circulated to Officers (eg the Corporate Management Team and Heads of Service) and details of the new code will be included on the intranet and internet.
- 6.9 Specific training will, in addition, be provided, to relevant officers during 2007/08. This will clearly need to encompass Legal and Democratic Services.

### **Town/Parish Councils**

- 6.10 The information referred to at paragraph 6.5 of this report was circulated to all Clerks of Town/Parish Councils and further advice and guidance will need to be provided during the year.
- 6.11 Opportunities for specific training on the new code will also be made available.

### **The Standards Committee**

- 6.12 The Committee has been involved from the outset with the proposals for the new Code of Conduct and had the chance to comment on the proposals as part of the Government's consultation exercise.
- 6.13 Further guidance and training will be provided to the Committee during 2007/08, along with guidance and training in relation to the Committee's enhanced role.
- 6.14 The Chair is to attend a Standards Board Roadshow event with the Monitoring Officer, and two other Standards Committee Members, on 12 June 2007. This will provide information regarding the new Code of Conduct for Members. Feedback from the event will be provided to the whole of the Committee and disseminated as widely as possible.

## **7. Interests and Gifts and Hospitality**

- 7.1 The Committee considered an update report regarding the arrangements relating to:-
- (a) Members and Officers' interests and gifts and hospitality; and
  - (b) Parish/Town Councillors' interests and gifts and hospitality.
- 7.2 It was explained that Members continued to be reminded, in a variety of ways, of their responsibility to notify the Monitoring Officer of any changes to their interests, within 28 days of those changes occurring.
- 7.3 All Members had been advised of the need to review their register of interest details following the appointments made at the Annual Meeting on 5 April 2006 and to change those details where necessary. Members noted that this could be done by notifying the Monitoring Officer in writing of any change. There was not a requirement to complete a new form.
- 7.4 A similar reminder was sent to Members following the appointments made at the Cabinet meeting on 20 April 2006.
- 7.5 Specific advice continued to be given to Members before meetings (of Cabinet and Council in particular) about potential declarations of interest.
- 7.6 With regard to Officers, regular reminders were also sent about the procedures in place for registering interests and gifts and hospitality. As a result Key Officer Lists (lists of those Officers who because of the nature of their post or responsibilities should provide (at least) an annual return even if they consider they have no interests to declare) have been compiled.
- 7.7 An audit of client financial services' assessments teams gave rise to a recommendation in relation to the declaration of personal interests by Officers whose families or friends were applying for services (and who therefore had to be assessed for charging purposes). Whilst such Officers were aware that they should not themselves be involved in an assessment of their families' or friends' applications, they had not in the past specifically submitted a declaration of interests return. Forms had been provided to Internal Audit for passing on to, and use by, the Officers/Services concerned.
- 7.8 The Committee was informed that changes to interests or new interests returns were being received on a regular basis from Town/Parish Clerks. To date only one submission had been received regarding gifts and hospitality, but this was not considered to be indicative of any specific issue or problem.
- 7.9 The position as a whole regarding gifts and hospitality for Members and Officers, as well as for Town/Parish Councillors is being reviewed in 2007/08 as a result of the new Code of Conduct for Members proposals.

## **8. Local Government Ombudsman**

- 8.1 During the municipal year the Committee received several reports regarding the Local Government Ombudsman.
- 8.2 In August last year, the Committee considered the 2005/06 Annual Letter for the Authority.



- 8.3 It was noted that the total number of complaints received had fallen again (for the third year running); that as in the previous year planning was the largest single category for complaints; no reports were issued and compensation of just over £3,500 was paid by the Council as a result of local settlements.
- 8.4 The Committee also received a detailed breakdown of 16 specific cases where the Ombudsman's target response time of 28 days had been exceeded.
- 8.5 Action was proposed to address the increase in response time and the Committee will be interested to see in the new municipal year whether this has had the desired effect.
- 8.6 It was also noted that the Ombudsman had not met its determination time targets in a number of Stockton cases.
- 8.7 In March 2007 the Committee received details of the Ombudsman's Annual Report for 2005/06. The comparison of complaints data from the other Tees Valley Authorities was very interesting, showing that Stockton had consistently had the highest number of complaints received and a higher percentage of planning complaints. The Authority's average response time was also the highest.
- 8.8 In addition, the Committee received details of three specific cases in 2006/07 where reports had been issued by the Ombudsman as a result of maladministration causing injustice. The Committee shared Officers and Council's concerns regarding two of those cases and the approach adopted by the Ombudsman towards the investigations involved.
- 8.9 Committee Members therefore supported the call for a meeting with the Ombudsman to discuss these concerns, along with a range of other issues raised by each of the Tees Valley Authorities.
- 8.10 The Committee will be interested to learn of the outcome of any such meeting.
- 8.11 Finally, the Committee was in agreement with the objections expressed by the Tees Valley Authorities to the White Paper proposal to extend the Ombudsman's powers to allow investigations to be undertaken into failures in Authorities' administrative practices, even though no injustice has been experienced by anyone.
- 8.12 Again, Committee Members will be interested to hear in due course whether the objections have had any effect.

## **9. Corporate Governance**

- 9.1 The Committee has received reports of details of the Council's Code of Corporate Governance and the practical steps being taken or required to be taken to comply with best practice guidance published by CIPFA and SOLACE. The Committee has also been kept apprised of progress against the Authority's agreed action plan.
- 9.2 It was agreed at the Committee's meeting on 22 June 2006 that update reports would continue to be presented to future Committee meetings regarding the review of Corporate Governance arrangements being undertaken by the Officer Corporate Governance Working Group.

- 9.3 The Committee is aware that the Corporate Governance Group has developed a revised, draft Code of Corporate Governance based on the six core principles set out in the Good Governance Standards for Public Services (a document produced by the Independent Commission on Good Governance in Public Services, established by the Office for Public Management and CIPFA, in partnership with the Joseph Rowntree Foundation).
- 9.4 A self assessment exercise has also been undertaken by the Corporate Governance Group in order to provide responses to the questions related to each of the six core principles of the Good Governance Standard.
- 9.5 The answers to the questions have been checked against the details of, and evidence referred to in the Council's Statement of Internal Control and subject to this, the combined evidence of the SIC, the answers to the core principles' questions and other information provided by the Corporate Governance Group, is being used to develop a new corporate governance action plan, based on the following four CPA key lines of enquiry ("KLOE"):-
- Community Focus
  - Structures and Processes
  - Risk Management and Internal Control; and
  - Leadership, Culture and Standards of Conduct
- 9.6 The emerging, new action plan has been consulted on, and is being developed further as a result of discussions with other Officer Groups eg Policy Officers Group. The next steps will be to consider the final draft prior to its wider publication and dissemination.

## **10. Audit**

- 10.1 As part of its joint working approach with the Audit Committee regarding issues of common interest, and also its wider governance role, the Standards Committee has considered and commented on the Council's SIC for 2005/06. The Committee will be receiving details of the 2006/07 SIC later this year.
- 10.2 The Committee has also received quarterly Internal Audit reports presented by the Chief Internal Auditor and detailing the work of the service.
- 10.3 In addition, the Committee received a report from the Authority's Audit Manager about the Audit Commission's Annual Governance Statement for 2005/06. Consideration was given to comments made about the use of resources (data quality; internal control and asset management).
- 10.4 With regard to probity, the Committee noted that the Audit Commission were looking to the Council to ensure that all Members returned details of, or a nil return relating to related third party transactions. The Committee would urge all Members to support Officers' efforts to ensure that this is the case for 2006/07.

## 11. Constitutional Framework

11.1 During the year, the Committee has considered various different aspects of the Council's Constitutional framework and arrangements. In particular:-

- **Scrutiny**

The Council approved new arrangements on 14 December 2005 and in doing so agreed that there would be an interim three months progress check and a full review after six months of operation.

The Committee was advised that the interim progress check had revealed that all of the arrangements had been implemented as agreed.

As regards the six months review, the Committee was presented with, and agreed details of the proposed review methodology (using the Centre for Public Scrutiny's self evaluation framework based on principles set out in the "Good Scrutiny Guide").

Surveys of all Councillors were proposed, along with workshops for Executive Scrutiny, Select Committees' Chairs and Vice-Chairs, Cabinet Members and Officers.

The Committee was extremely pleased to be able to add its own contribution to this process and will be looking forward to seeing the results of this work in the form of possible areas of future development.

The Committee has also received reports relating to the community calls for action proposals in the White Paper and the Police and Justice Act 2006 and will be very interested in learning how these proposals are developed by the Government and how the Authority intends to respond to them.

**The relevant reports relating to Community Calls for Action are accessible**

at <http://www.egenda.stockton.gov.uk/aksstockton/images/att1505.doc>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att1510.pdf>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att2005.doc>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att2017.pdf>

- **Planning**

Taking into account the recommendation at its meeting on 7<sup>th</sup> December 2006 (paragraph 3.3 of this report refers) the Committee welcomed the chance to comment on the draft of the Planning Code of Good Practice, and fully supported the Council's adoption of the code. **The Code can be accessed at**

<http://www.stockton.gov.uk/resources/legres/cons/const5/pt5cos.doc>

- **The Constitution**

It is evident from the reports received by the Committee that the Constitution as a whole has undergone radical changes during 2006/07.

In particular, it now includes:-

- a materially updated scheme of delegation

- the new planning code of good practice
- revised Council Procedure Rules
- an amended Concordat for Communication and Consultation with Members
- a link to the Scrutiny Toolkit

**The new Constitution can be accessed on the internet via a link from the front page to the “Your Council” page, and is also accessible on the intranet.**

## **12. Standards and Conduct**

12.1 During the year, the Committee considered three papers of particular importance to standards and conduct and, as a result, to the Committee and its work:-

- **Local Government White Paper - Strong and Prosperous Communities**

The Committee was fully apprised of the Government’s intentions to introduce legislation to deliver:-

- a more locally-based regime, with local standards committees making initial assessments of misconduct allegations and most investigations and decisions being made at local level;
- a revised strategic regulatory role for the Standards Board to provide supervision, support and guidance for local authorities and ensure consistent standards.

Additionally, the Committee noted that a clearer, simple and more proportionate code of conduct for local authority members and a new code for employees would be put in place. Changes to the Members’ code would include amending the rules on personal and prejudicial interests to remove the current barriers to Councillors speaking up for their constituents or for the public bodies on which they have been appointed to serve. So, for example, in future members of a planning or licensing committee would have more opportunities to represent their constituents on planning or licensing issues that affected their wards. Members would be able to speak and vote on such issues unless their interests in the matter were greater than those of most other people in the ward.

- **Local Government and Public Involvement in Health Bill**

Part 9 of the Bill sets out priorities to deliver on the White Paper’s commitments to establish different roles and responsibilities for Standards Committees and for the Standards Board. The Bill contains a range of other provisions as well, including a proposed requirement that Standards Committees must be chaired by a person who is not a Member or Officer of a relevant authority (clause 134); and the proposal that the granting and supervising of exemptions from political restriction (under Part 1 of the Local Government and Housing Act 1989) will cease to be the responsibility of an Independent Adjudicator appointed by the Secretary of State and will become the responsibility of Standards Committees (clause 149).

- **A Revised Model Code of Conduct for Local Authority Members**

The Committee commented on the Government's consultation paper and draft code, endorsing the views from the Authority's Members Advisory Panel and the Monitoring Officer's proposed response to the Department for Communities and Local Government. Of particular note to the Committee were the provisions relating to:-

- the more locally-based personal interests definition
- the new public service interests
- the relaxation of the rules relating to participation in meetings by members with prejudicial interests
- behaviour outside of official duties

12.2 The Committee intends to continue to play a key role in the introduction of, and the provision of training and guidance about the new code for Members, Officers and Town/Parish Councils during 2007/08.

12.3 One specifically disappointing aspect of the White Paper and Local Government Bill has, however, been the absence of proposals for the long promised model code of conduct for employees.

12.4 Another key issue for the Authority will be to ensure that the appropriate level of resources are available in order to ensure that the necessary training and guidance about codes of conduct and the Standards Committee's enhanced role can be provided and that the new duties and responsibilities can be properly fulfilled.

12.5 **The reports referred to at paragraph 12.1 can be accessed at**

<http://www.egenda.stockton.gov.uk/aksstockton/images/att1504.doc>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att2012.doc>

**The Code of Conduct consultation document and proposals are accessible at**

<http://www.egenda.stockton.gov.uk/aksstockton/images/att1999.doc>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att2000.pdf>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att2001.pdf>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att2002.pdf>

**The Local Government and Public Involvement in Health Bill can be accessed at <http://www.publications.parliament.uk/pa/cm200607/cmbills077/2007077.pdf>**

### **13. Ethical Governance**

13.1 In May last year, the Committee agreed the methodology proposed for the Council's ethical governance audit and was particularly concerned to ensure that it informed proposals for continuous improvement and that it would help the Committee to fulfil its role in promoting and maintaining high standards of conduct and in assisting Members to observe the Code of Conduct.

- 13.2 The Committee was particularly keen, therefore, to see the Authority undertaking a light touch health check facilitated by the IDeA and an accredited, independent health check team.
- 13.3 The outcome of surveys of Members, Officers and Key Partners, and the recommendations arising from the IDeA health check, which the Chair and Committee Members contributed to at individual interviews and a workshop, proved to be extremely useful.
- 13.4 The Committee was, therefore, pleased to be able to consider and agree the proposed action plans designed to address the various matters highlighted by the surveys and the health check report. In particular, the Committee is extremely keen to see the implementation of the actions aimed at raising its profile within the Council and externally, and those directed towards increasing awareness of standards and probity generally. It is essential for instance that the Committee develops its working relationships with the Audit Committee and Cabinet, and appointing the Deputy Leader as ethical champion in the Executive is an excellent beginning insofar as the Committee's relationship with Cabinet is concerned.

**13.5.1 The Committee would urge those who have not already done so to read the reports about the ethical governance process on e-genda at**

<http://www.egenda.stockton.gov.uk/aksstockton/images/att2008.doc>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att2009.doc>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att2010.pdf>

**14. Committee on Standards in Public Life**

- 14.1 The Standards Committee has continued to be kept informed of the work of the Committee on Standards in Public Life during the year and has received reports relating to Public Attitudes toward conduct in public life - 2006 survey and the Eleventh Report of the Committee regarding its review of the Electoral Commission. **The links to the Committee on Standards in Public Life's reports are as follows:-**

<http://www.egenda.stockton.gov.uk/aksstockton/images/att281.doc>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att282.pdf>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att283.pdf>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att1112.doc>

<http://www.egenda.stockton.gov.uk/aksstockton/images/att1124.pdf>

**15. Confidential Reporting Policy**

- 15.1 In April 2006 the Committee received details of a survey of Nominated Officers regarding their views of the Confidential Reporting Policy. An action plan arising from the survey replies was agreed.
- 15.2 The Committee was also advised that an employee survey was proposed.

- 15.3 The Policy itself had also been reviewed and revised in order to extend it to third parties such as contractors and suppliers. The Committee accepted the proposed amendments. The new Policy was approved by the Council on 3 May 2006.
- 15.4 In August 2006 the Committee was informed that the amended policy had been publicised (in KYIT for instance) and disseminated as widely as possible, including amongst existing and prospective contractors.
- 15.5 Details of the steps taken to implement the action plan arising from the Nominated Officers' survey response were also provided, together with a synopsis of the returns from the Employee Survey.
- 15.6 Key outcomes were that:-
- Two thirds of respondents agreed that they had been informed of the Policy's contents and understood how it was intended to operate;
  - A quarter of respondents were unsure if they would have easy access to the Policy if they needed to refer to it;
  - 4% of respondents thought the Policy was not effective;
  - Just over 1% said that they would not use the Policy if they had a serious concern; and
  - Most respondents were unsure if the Policy could be improved, although approximately 8% said that it could.
- 15.7 Specific details of actions proposed as a result of these replies were discussed and agreed by the Committee, including for instance highlighting the existence of the Policy and where it can be accessed, particularly to those service areas where individuals said that they had not heard of the Policy and/or did not know where to access a copy of it.
- 15.8 The Committee will be receiving a further report early in the new Municipal Year, regarding the implementation of the action plan relating to Employees' comments and the effect such implementation had had on the awareness and understanding of the Policy and how it is intended to operate.

## **16. Comments, Commendations and Complaints**

- 16.1 Quarterly reports have been submitted to the Committee throughout the year and Members were impressed by the fact that there was a consistent reduction in the numbers of complaints made and increases in commendations received.
- 16.2 The Committee has also been kept apprised of the work of the Head of Legal Services, the Customer First Manager and the Complaints Officers in reviewing and improving the Council's Comments, Commendations and Complaints Policy and will look forward to receiving a report on the final version in the new municipal year.

## **17. Equality**

- 17.1 The Committee was made aware of the ongoing work being undertaken to deal with the emerging and complex equality legislation, in particular that promoting disability equality, and gender equality.
- 17.2 Committee Members noted the key issues relating to the proposed Single Equality Scheme (containing the Race Equality Scheme required under the Race Relations Amendment Act 2000) and Disability Action Plan, and also the fact that they would be receiving Diversity training to assist them in their role.
- 17.3 **The Council's Disability Equality and Gender Equality schemes (now a Single Equality Scheme) are available at [www.stockton.gov.uk/yourcouncil.33299](http://www.stockton.gov.uk/yourcouncil/33299);<http://www.stockton.gov.uk/yourcouncil/33299>**

## **18. Freedom of Information**

- 18.1 The Committee has considered two reports regarding freedom of information and data protection issues in 2006/07.
- 18.2 In particular, the Improvement and Development Agency (IDeA) has issued a briefing paper on the impact of the legislation ("FOIA") on local authorities.
- 18.3 Key findings in the report include that:-
- Councils are adjusting to the changes resulting from the Act, but possibly at a cost to other services
  - it is costing the average Council approximately £120,000 a year to respond to requests, excluding senior management time on dealing with complex requests
  - there is evidence that the culture within Councils is becoming more open and transparent
  - information strategies and records management issues are becoming more important as Councils recognise the value of information
- 18.4 The Information Commissioner has also published a report on FOIA. The Information Commissioner's Office ("ICO") commissioned a research project amongst public authorities aimed at enhancing understanding of how freedom of information is working in practice. Specific objectives of the research were designed to help understand:-
- whether the FOIA has led to a culture of increased openness, and whether public authorities are publishing more information as a matter of course since the introduction of the Act;
  - estimated volumes of information released under the Act (through publication schemes and general right of access) that would not previously have been made available to the public. What types of information are being requested and what is being released/withheld and why;
  - what are public authorities' perceptions of the Act, and what they perceive its benefits (and drawbacks) to be.



- 18.5 At Stockton, the average number of requests per annum has remained fairly constant. Fees are not currently being charged for requests, save for photocopying or related disclosure costs where it is reasonably economical to impose and recover such costs.
- 18.6 This position does need to be reviewed in the light of experience of requests received and the Government's proposals to widen the scope for fees to be levied.
- 18.7 The Council has been the subject of a specific Information Commissioner's decision. As a result of this the controls on the use of the Authority's electronic noticeboard have been tightened up and the monitoring procedure has been documented.

**Details of this decision in an anonymised format can be found at [ico.gov.uk](http://ico.gov.uk) (reference FS50121882)**

## **19. Human Rights**

- 19.1 Guidance from the Department of Constitutional Affairs ("DCA") has been brought to the Committee's attention.
- 19.2 The guidance comprises a short introduction and a DVD, together with a handbook "Human Rights: Human Lives". This is designed to raise awareness amongst local authority employees of the different rights and freedoms protected by the Human Rights Act.
- 19.3 Communities and Local Government ("CLG") have also released guidance for public authorities which is intended to provide clarity around contracting for services in light of the Human Rights legislation.
- 19.4 **The DCA guidance can be found at <http://www.humanrights.gov.uk>, and the CLG guidance can be accessed at [www.communities.gov.uk](http://www.communities.gov.uk).**
- 19.5 The Committee would urge that the guidance be disseminated throughout the Authority as widely as possible.

## **20. Dispensations**

- 20.1 During 2006/07, no dispensations were granted under the provisions of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.
- 20.2 It may however be necessary to reconsider potential dispensations for Ingleby Barwick Parish Council and Castle Levington & Kirklevington Parish Council following the local government elections on 3 May 2007. Their previous dispensations expired on that date.

## **21. Standards Committee Work Programme 2006/08**

- 21.1 The Committee first considered that a draft work programme/forward plan would be beneficial during the early part of 2005 and agreed that this would better enable the Committee to co-ordinate, plan and monitor its work.

21.2 The Committee has now developed a programme which is flexible enough to allow for ad hoc work arising from Central Government/Local Government priorities (for example the White Paper - "Strong and Prosperous Communities" proposals and the proposed revised Members Code of Conduct), as well as including items of fundamental importance to the Committee's key responsibilities which are standing in nature eg training in probity/conduct matters.

Taking these points into account the Committee has agreed its programme/forward plan for 2006/08.

21.3 The agreed programme/plan has also been developed in liaison with the Audit Committee's own work programme, so that there are common/cross-cutting items on both forward plans (eg the constitutional framework updates).

21.4 The Standards Committee's programme appears on the agenda of each of the Committee's meetings as an information item, but is also monitored, reviewed and revised/updated on a regular basis.

21.5 The Committee has now agreed its initial work programme for 2007/08.

21.6 The items identified to date as key for 2007/08 are as follows:-

21 June 2007            Annual Report of the Standards Committee 2006/07  
Monitoring Officer's Annual Report 2006/07  
Internal Audit Report 31 March 2007  
Statement of Internal Control Report 2006/07  
Constitutional Update  
Misconduct Allegations  
Officers and Members Gifts and Hospitality  
Officers and Members Interests  
Members Training and Development  
Officers Training and Development  
Training and Development for Parish Councils/Councillors  
Statement of Internal Control Report (SIC) 2006/07

23 August 2007        Members Training and Development  
Comments, Commendations and Complaints 2006;07  
Confidential Reporting  
E-genda System  
Ombudsman's Annual Letter  
Comments, Commendations and Complaints  
Corporate Governance Update  
External Audit Update 30 June 2007  
E-Genda Update

18 October 2007        Ombudsman's Annual Report 2006/07  
Internal Audit Report June 2008  
Corporate Governance Update  
Officers and Members Gifts and Hospitality  
Officers and Members Interests  
Audit Commission Annual Governance Report 2006/07

20 December 2007	Internal Audit Report September 2007 Constitutional Update Members Training and Development Officers Training and Development Training and Development for Parish Councils/Councillors External Audit Update 30 September 2007 Corporate Governance Update
22 February 2008	TBC CPA Outcomes

These details are reviewed on an ongoing basis at each Standards Committee meeting and are therefore subject to change.

## **22. Conclusion**

- 22.1 The Committee has continued to fulfil its responsibilities regarding the Code of Conduct in particular and the ethical framework in general during the year, whilst at the same time receiving appropriate guidance and training itself, as well as playing an important role in relation to the Authority's corporate and particularly ethical governance. The year ahead will require an even greater involvement from the Committee in all of these areas, but specifically as regards the new Members' Code of Conduct and the emerging proposals regarding an enhanced Standards Committee role.

## **23. Other Languages or forms of Communication**

- 23.1 In order to assist anyone whose hearing/eyesight may be impaired or whose first language is not English, it may be possible to produce copies of this report in large print, Braille, audio, French, Farsi, Arabic, Urdu, Mandarin, Punjabi or Kurdish. To enquire about this, please contact Margaret Fawkes on 01642 527061 or via email to [margaret.fawkes@stockton.gov.uk](mailto:margaret.fawkes@stockton.gov.uk).

**Stockton-on-Tees Borough Council**

**Standards Committee Members**

Mr F.W. Hayes	_____	Chair (Independent)
Councillor A.B.L. Sherris	_____	Vice Chair (Borough Councillor)
Mrs E. Chapman	_____	Independent Member
Mrs F. Robinson	_____	Independent Member
Mr T. Bowman	_____	Parish Council Representative
Mr L.W. Hedley	_____	Parish Council Representative
Councillor N. Teasdale	_____	Borough Councillor
Councillor J. Fletcher	_____	Borough Councillor
Councillor P. Baker	_____	Borough Councillor