

WYRE FOREST DISTRICT COUNCIL
ETHICS AND STANDARDS COMMITTEE
29TH MARCH 2010

Annual Report to Council from Ethics and Standards Committee

OPEN	
DIRECTOR:	Monitoring Officer
CONTACT OFFICER:	Caroline Newlands, Ext. 2715 Caroline.newlands@wyreforestdc.gov.uk
APPENDICES	Appendix 1 Draft Report

1. PURPOSE OF REPORT

- 1.1 To appraise the Ethics and Standards Committee of the proposed report to be submitted to Annual Council outlining the activities of the Ethics and Standards Committee during the Municipal Year 2009/2010.

2. RECOMMENDATION

- 2.1 **The Committee is asked to agree that the report be submitted to the Annual Council meeting.**

3. BACKGROUND

- 3.1. It is considered by Standards for England to be good practice to submit an annual report to Council. Recent information from Standards for England indicates that over 50% of authorities are now producing an annual report to Council.
- 3.2 Last year was the first year that the Ethics and Standards Committee submitted a report on their work to Annual Council.

4. KEY ISSUES

- 4.1 The Annual Report is a document that is published on the Council's website and is required to:
- Provide information about the members of the Standards Committee.
 - The role of the Standards Committee.
 - The Standards Committee Terms of Reference.
 - Statistical Information about complaints that have been received.
 - A summary of complaints which have led to investigation, sanction or other action.
 - Details of training made available.
 - The Forward Work Plan of the Standards Committee.
- 4.2 The publishing of the Annual Report on the Council's website will further promote the high standards of ethical governance under which the Council is expected to operate.

5. FINANCIAL IMPLICATIONS

5.1 The costs of the production of an Annual Report can be met from existing budgets.

6. LEGAL AND POLICY IMPLICATIONS

6.1. Councils are required to promote high standards of ethical governance following The Annual Plan 2010 Guidance from the Standards of England.

7. EQUALITY IMPACT NEEDS ASSESSMENT

7.1 An equality impact assessment has been undertaken and it is considered that there are no discernable impacts on the six equality strands.

8. RISK MANAGEMENT

8.1 Corporate Governance Standards is part of strong corporate governance arrangements. and Councils are required to promote high standards of ethical governance.

9. CONCLUSION

9.1 The production of an Annual Report for Council from the Ethics and Standards Committee is considered to be good practice and keeps Members apprised of the work the Committee carries out and its endeavours to promote high standards.

10. CONSULTEES

10.1 Chairman and Vice-Chairman of Ethics and Standards Committee

11. BACKGROUND PAPERS

11.1 Annual Return 2010 Guidance (Standards for England)

ETHICS AND STANDARDS COMMITTEE
ANNUAL REPORT 2009/2010

Meetings

The Ethics and Standards Committee continues to meet quarterly during the municipal year. The Membership of the Committee is outlined at the back of this report.

Role of the Standards Committee/Terms of Reference

- (1) Promotes and maintains high standards of conduct by councillors and co-opted members;
- (2) Assists the councillors and co-opted members to observe the Members' Code of Conduct;
- (3) Advises the Council on the adoption or revision of the Members' Code of Conduct;
- (4) Monitors the operation of the Members' Code of Conduct;
- (5) Advises, trains or arranges to train councillors and co-opted members and on matters relating to the Members' Code of Conduct;
- (6) Grants dispensations, if necessary, to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (7) Considers complaints against any member relating to alleged breach of the National Code of Local Government Conduct or such local code as shall replace the National Code, to make findings of fact and decisions in respect of the action to be taken, and where necessary to make recommendations to full Council.
- (8) Advises and brings forward proposals to the Council on a local Code of Conduct, including provisions which properly reflect the mandatory elements of the Model Code to be produced nationally, once such a code is available.
- (9) Exercises (1) to (8) above in relation to the parish councils wholly or mainly within the Wyre Forest District area and the members of those parish councils.
- (10) Recommends approval and adoption of relevant codes, plans and policies;
- (11) Oversees the Whistle Blowing Policy;
- (12) Oversees the complaints handling and Ombudsman investigations; and
- (13) Oversees the constitution.

Local Assessment of Complaints

During the municipal year 2009/2010 the Council received 3 complaints. Two concerned District Council Members and one concerned a Town Council Member.

For a Council to only have to consider 3 complaints it is considered to be a good record, particularly as the Council oversees not only the ethical standards regime for its own Members but also for 10 Parish and 2 Town Councils.

A review of a decision that the matter fell outside the committee's jurisdiction was requested for the first time during February 2010. This was the first time that the authority's Review Sub Committee had met. However, all procedures were in place and the review went smoothly.

The Monitoring Officer continues to provide a confidential conflict advice service to Members and uses mediation and guidance to promote the most efficient and effective way of addressing potential complaints.

Independent Members

Last year the Ethics and Standards Committee was short of one Independent Member and thus it did not have the required 25% of Independent Members. I am happy to report that this situation has been rectified and the Ethics and Standards Committee now has 4 Independent Members. The outstanding vacancy was filled towards the end of May 2009 when Mr R Reynolds was appointed.

Feedback from Independent Members' Forum

Members of the Committee have been apprised of items discussed at the Independent Members' Forum. Members find it useful to keep abreast of topics discussed by the Forum – particularly as the Independent Members are able to share experiences with other Independent Members from other authorities.

Returns to Standards for England

The authority has submitted its quarterly returns within the timeframe set by Standards for England.

Last year it submitted its first annual return and at the time of writing is currently preparing its annual return for the municipal year 2009/2010.

Member Activity Reports

Members continue to submit an annual activity report which outlines their activities during the municipal year. During the current municipal year only one report was outstanding and it was produced once a reminder had been sent.

Guidance on the Use of ICT in Meetings

Members considered it was important for the Council to produce guidance on the use of ICT in meetings. Of particular concern was Members using their mobile phones during Council meetings – particularly in regulatory meetings.

The Ethics and Standards Committee included this matter on their work programme and in the new municipal year it is proposed that the constitution be amended to prohibit the making or receiving of calls at committee meetings and that all phones at committees are to be turned to silent.

Complaints to the Local Government Ombudsman

At its meeting on 27th January 2010 the Ethics and Standards Committee considered a report that gave details of three reports that had been submitted to the Local Government ombudsman. The Committee noted that for the fourth year running that the Ombudsman had not issued any reports against the Council. It is also the lowest number of complaints regarding this authority considered by the Ombudsman in the last 9 years.

Training

Preparations are in place for a bespoke training event to take place . This year there will be a change of format and rather than Members receiving a presentation there will be an interactive session involving all those attending.

Work Programme

During the municipal year it was agreed that the Committee would devise its own work programme. This has proved to be successful with suggestions being given by Member and it will be a regular item on the committee's agenda for the forthcoming municipal year.

Consultations

The committee responded to one consultation regarding the establishment of a protocol on partnership working.

Membership of the Committee

Independent Members

Rev J Cox (Chairman), Mrs C A Noons (Vice-Chairman), Mr J T Hipkiss, Mr R Reynolds.

Town/Parish Members

Councillor A Mace (Town Council Member), Mr R Hobson (Parish Member), Mr J Swift (Parish Member).

WFDC Members of the Ethics and Standards Committee Councillors

R Akathiotis, H E Dyke, P Dyke, D R Godwin, M J Hart, S M Hayward, C D Nicholls, K J Stokes, J Thomas.

Challenges for the forthcoming Municipal Year

It can never be predicted how many local determinations of alleged breach of the code of conduct will occur. This Council has a good record and will continue to promote high standards of behaviour amongst its Members.

Further challenges that may arise in the forthcoming months may include the considerations of possible revisions to the Council Constitution and ensuring that we have a modern Constitution that meets the needs of the Council and the Councillors. Also, the election and induction and training for new members on the Code of Conduct and finally, the possibility that the Code of Conduct may be amended should there be Parliamentary approval for amendments to Section 52 of the Local Government Act 2000 which reinstates the situation prior to Collins J's decision in *Livingstone V Adjudication Panel for England* 2006.

C S Newlands
Monitoring Officer