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**BASSETLAW**

DISTRICT COUNCIL  
NORTH NOTTINGHAMSHIRE

## STANDARDS COMMITTEE

# AGENDA

Meeting to be held in  
Council Chamber,  
Town Hall, Retford,

on

Monday, 14<sup>th</sup> June 2010

at

**5.45 p.m.**

**(Please note time and venue)**

**(Please turn off mobile telephones during meetings - In case of emergency  
Members can be contacted on the Council's mobile telephone)**

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*Bassetlaw - Serving North Nottinghamshire*

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**District Council Offices, Potter Street, Worksop, Notts. S80 2AH.**

# **STANDARDS COMMITTEE**

**Membership** 2010/11

**Councillors** W. Barker, Mrs V A Bowles, H. Burton, J. W. Holland,  
M. G. Pugsley, Mrs C Troop

**Independent Members:** Mr. K. Crookes, Mr. G. Law, Mrs. D. Madine, Mr. P. Meeney,  
Mr. A. Taberner and Dr G D Woodman

**Parish Council Representatives:** Mr. B. Letherland, Mr. T. Reynolds and Vacancy

**Quorum:** 4 Members

## **Lead Officer for this Meeting**

Carolyn Forster (Acting Council Solicitor) – Ext. 3274

## **Administrator for this Meeting**

Mrs. J. Hamilton - Ext. 3146

## **STANDARDS COMMITTEE**

**Monday, 14<sup>th</sup> June 2010**

### **AGENDA**

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS  
(Members' and Officers' attention is drawn to the attached notes and form)
  - (a) Members
  - (b) Officers
3. MINUTES OF THE MEETING HELD ON 24<sup>TH</sup> MAY 2010 \* (pages 1-5)
4. MINUTES FOR ACTION AND IMPLEMENTATION \* (pages 7-9)
5. OUTSTANDING MINUTES LIST \* (pages 11-12)
6. TRAINING (DVD) +

### **SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

#### **Key Decisions**

None

#### **Other Decisions**

7. REPORT(S) OF THE MONITORING OFFICER
  - (a) Annual Work Programme 2010/11 +
  - (b) Code of Conduct Complaints Summary to March 2010 (pages 13-17)
  - (c) Ombudsman Complaints 2009/10 (pages 19-21)
  - (d) Local Code of Corporate Governance – Update (pages 23-25)  
*(Appendices to follow)*
  - (e) Complaints – Revised Assessment Criteria +
  - (f) Update on Members' Expenses +

#### **Exempt Information Items**

*The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.*

## **SECTION B - ITEMS FOR DISCUSSION IN PRIVATE**

### **Key Decisions**

None

### **Other Decisions**

None

8. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

- \* Report attached
- + Verbal presentation

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### NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
  2. Copies can be requested by contacting us on 01909-533146 or by e-mail [julie.hamilton@bassetlaw.gov.uk](mailto:julie.hamilton@bassetlaw.gov.uk)
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## DECLARATION OF INTERESTS

### *HOW TO USE THIS FORM*

There are now only two types of Declaration of Interest:

Level 1 – Personal	)	Details can be found in the Councillors
	)	Code of Conduct which is contained in
	)	the Council's Constitution (a summary is
Level 2 – Personal and Prejudicial	)	printed below)

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** level 1 if you are declaring a personal interest, **or** level 2 if you are declaring a personal and prejudicial interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

**NB.** The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

#### **Personal Interests**

May relate to employment or business interests  
May relate to property interests  
May relate to contents  
May relate to interests in other bodies  
**OR** if a decision on the matter to be discussed:  
**MIGHT REASONABLY BE REGARDED AS AFFECTING (A MEMBER OR OFFICER) TO A GREATER EXTENT THAN OTHER COUNCIL TAX PAYERS, RATEPAYERS OR INHABITANTS OF THE AUTHORITY'S AREA, the well being or financial position of himself, a relative or a friend or any employment, business, interest, etc. of such a person.**

#### **Prejudicial Interests**

A Member with a personal interest ALSO has a prejudicial interest if a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Members judgement of the public interest.  
(Note – there are special provisions which may exclude the above provisions in certain circumstances.)

#### **Action to be Taken – Personal Interests**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest

#### **Action to be Taken – Personal and Prejudicial Interests**

**Must:-**  
- declare existence and nature  
- withdraw from the room  
- not seek improperly to influence a decision on the matter.  
(Note – there are some exceptions when acting in a scrutiny capacity.)

**STANDARDS COMMITTEE**

**Minutes of the Meeting held on Monday, 24<sup>th</sup> May 2010 at Worksop Town Hall**

**Present:**

Chairman: Mr P Meeney  
Councillors: B Barker, V A Bowles, H Burton, M G Pugsley and Mrs C Troop  
Independent Members: Mr K Crookes, Mr G Law, Mr A Taberner and Dr G D Woodman  
Parish Council Representatives: Mr B Letherland  
Officers in attendance: L Dore, C Forster and R Theakstone

**1. NOMINATIONS FOR ELECTION OF CHAIRMAN**

**RESOLVED** that Mr Paul Meeney be elected Chairman of the Standards Committee for the ensuing year.

**2. NOMINATIONS FOR APPOINTMENT OF VICE-CHAIRMAN**

**RESOLVED** that Mr Kevin Crookes be appointed Vice-Chairman of the Standards Committee for the ensuing year.

**3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Independent Representative Mrs D Madine and Parish Council Representative Mr T Reynolds.

The Chairman welcomed Councillor Barker to his first meeting of the Standards Committee.

**RESOLVED** that the Monitoring Officer send a letter on behalf of the Committee to wish Mr Reynolds a speedy recovery following his recent stay in hospital.

**4. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

(a) Members

Councillor Mrs V A Bowles declared a personal and prejudicial interest in Agenda Item No 9(a) as she is the complainant in Case 01392. She stated that she would leave the meeting during the discussion and voting thereof.

(b) Officers

Ros Theakstone, Monitoring Officer, declared a personal and prejudicial interest in Agenda Item No 10(a) as she is the complainant in the report. She stated that she would leave the meeting during the discussion and voting thereof.

**5. MINUTES OF THE MEETING HELD ON 29<sup>th</sup> MARCH 2010**

**RESOLVED** that the minutes of the meeting held on 29<sup>th</sup> March 2010 be approved.

**6. MINUTES FOR ACTION AND IMPLEMENTATION**

**RESOLVED** that the Minutes for Action and Implementation be received.

## 7. OUTSTANDING MINUTES LIST

At Minute 8(c), the Monitoring Officer advised that there had been input from officers into the revised draft Constitution and that it had been given to the leaders of the political parties for their consideration. Part 5 of the Constitution, Rules of Procedure, was a complex, lengthy document and would be presented as one agenda item at an extraordinary meeting.

At Minute 27(f), the Monitoring Officer advised that a full update regarding the position of the Council with Ombudsman Complaints, in comparison to other authorities up to the end of the financial year, would be presented to Standards Committee after being reported to Performance Improvement Scrutiny Committee.

With reference to 27(g), a review of membership of the sub-committees would take place after members had received training.

With reference to 60(a), the Monitoring Officer advised that following a review Members Allowances have been revised and that she will confirm with the Section 151 Officer that the process has been streamlined and implemented. It was confirmed that the new Member Handbook contains information relating to allowances and the procedure for claiming. It is anticipated that a report will be presented to the next Standards Committee meeting.

A Member expressed concern regarding non-payment for personal call use of a Council mobile phone if the cost was less than a specified amount, i.e. less than the administration charge to prepare and send an invoice.

With reference to 61(b), Revised Criteria, it is anticipated that this will be presented to the next meeting.

With reference to 65(a), Freedom of Information, it is anticipated that a six-monthly update will be presented to the July meeting.

**RESOLVED** that:

1. The Outstanding Minutes List be received.
2. The Monitoring Officer to confirm with the Section 151 Officer if the authorisation for Member Allowances has been streamlined and implemented and to report back to the next meeting.
3. The Monitoring Officer to seek clarification from the Section 151 Officer regarding claims for personal mobile phone usage and report back to the next meeting.

## SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

### Key Decisions

None.

### Other Decisions

## 8. REPORT(S) OF THE MONITORING OFFICER

### (a) Standards for England Publications Bulletin 45

The Committee was presented with a report with Standards for England (SOE) Bulletin 45 appended. The Bulletin sets out current issues affecting the ethical framework for local government, including the Code of Conduct for Members and the operation of the Standards Board: Code Revision, Imposing Sanctions: written apologies; Intimidation and the code; New organisational design for SfE; Corporate Plan and Annual Report Published; Review of on-line monitoring system; DVD on Local Assessment;

Annual Assembly 2009 – bringing standards into focus; Changes at the Adjudication Panel for England; Awards.

Concerns were raised about the relationship between parish councils and the District Council but it was agreed that there was a need to promote the Code of Conduct in an effort to reduce the number of complaints.

**RESOLVED** that:

1. Bulletin 45 be noted.
2. The Democratic Services Officer to the Committee send a copy of this bulletin to the Clerks to the Parish Councils to put on their own agenda and ensure that Parish Councillors are kept up to date with the standards and ethical framework agenda.
3. 'Parish Councils' to be included as an item on the agenda for the next meeting.

(b) Standards for England Publications Bulletin 46

The Committee was presented with a report with SOE Bulletin 46 appended. The Bulletin sets out current issues affecting the ethical framework for local government, including the Code of Conduct for Members and the operation of the Standards Board: Standards and Ethics Awards; Bias, Predetermination and the Code; Local Assessment, sharing lessons learnt; Annual Return 2010-05-10 Governance Toolkit for Parish & Town Councils; Assessment made Clear; Review of the standards framework; Share your experiences of local standards.

**RESOLVED** that the report be noted.

(c) Standards for England Publication Bulletin 47

The Committee was presented with a report with SOE Bulletin 46 appended. The Bulletin sets out current issues affecting the ethical framework for local government, including the Code of Conduct for Members and the operation of the Standards Board: 2010 Annual Assembly of Standards Committees 'A Place for standards'; Stakeholder Tracker 2009 – 'A qualitative assessment of advice and guidance'.

The Committee's attention was drawn to page 43 where new on-line guides were listed.

The issue of 'Costs' as detailed on page 41 was queried in relation to the local authority.

**RESOLVED** that:

1. The report be noted.
2. The Monitoring Officer to check the situation regarding public indemnity and report back to the Committee.

(d) Local Assessment of Complaints – DVD produced to help Assess complaints about Councillors – "Assessment Made Clear"

The Committee was updated on the Standards for England DVD – Assessment made Clear. The report outlined the benefits of viewing the DVD, a copy of which has now been purchased.

**RESOLVED** that:

1. The report be noted.
2. Arrangements be made for the Committee to view the DVD at the next training session.

(e) Assessing the Impact of Standards Committees

The Committee was presented with a report to which a copy of 'Assessing the Impact of Standards Committees' was appended. Based on research by the University of Teeside, the document considers examples of notable practice by nine different local authorities.

**RESOLVED** that the report be noted.

(f) Confidential Information Protocol

The report advised that the protocol supports Paragraph 4(iv) of the Members' Code of Conduct which allows for the disclosure of confidential information by a Member where the disclosure is reasonable, in the public interest, made in good faith and complies with the reasonable requirements of the Council.

**RESOLVED** that:

1. The report be noted.
2. The Confidential Information Protocol be adopted and published on the Council's website under the section 'Council and Democracy'.
3. A condensed version be printed for inclusion in the Council Diary.

(Councillor Mrs Bowles left the meeting at this point).

9. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

**RESOLVED** that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 2, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No 9(a) – Case 01392 – Exempt Paragraph 2

Agenda Item No 9(b) – Case 01390 – Exempt Paragraph 2

Agenda Item No 10(a) – SBE 07821 AK00U and SBE 07822 1D1QU – Exempt Paragraph 2

**SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**

**Key Decisions**

None.

**Other Decisions**

10. REPORT(S) OF THE MONITORING OFFICER

(a) Case 01392

The Committee was presented with a report which included a Decision from Standards for England relating to Case 01392.

**RESOLVED** that:

1. The Decision Notice be noted.
2. The Assessment Sub-Committee consider process, evidence and audit trail prior to future referrals to Standards for England.
3. A case summary be published on the Council's website.

(Councillor Mrs Bowles returned to the meeting at this point)

(b) Case 01390

The Committee was presented with a report which provided an update on Case 01390. The case is nearing conclusion as interviews have concluded and draft reports forwarded to the complainant and the subject member for comment, after which the final report will be issued.

**RESOLVED** that the report be noted.

(The Monitoring Officer left the meeting at this point and did not return).

11. REPORT(S) OF THE DEPUTY-MONITORING OFFICER

(a) SBE 07821 AK00U AND SBE 07822 1D1QU

The Committee was presented with a report which included a copy of the Standards for England Ethical Standards Officer Report regarding SBE-07821-AK00U and SBE-0782201D1QU.

**RESOLVED** that:

1. Notwithstanding the use of ESO powers, the Council's existing processes provided for the complete report to be considered by the Committee.
2. The report be noted.
3. The Committee considers lessons learnt.
4. Confidential matters be "flagged" as 'confidential'.
5. The Committee considers a protocol in relation to complaints of Standards Committee Members.
6. Notwithstanding there being no legal requirement to do so, the Decision Notice be published on the Council's website in the interests of openness and transparency.
7. The Committee further debates lessons learnt in conjunction with their review of the Local Framework Assessment criteria.

12. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

(a) Vacancy

There is a vacant position on Standards Committee for a Parish Councillor.

**RESOLVED** that the vacancy for a Parish Councillor on the Standards Committee be advertised.

(b) Annual Standards Conference – October 2010

The Chairman asked that if anyone other than those who had already notified their interest wished to attend the Annual Standards Conference, could they please advise him no later than 28<sup>th</sup> May.

As there was no other urgent business to be considered, the Chairman closed the meeting.



**MINUTES FOR ACTION AND IMPLEMENTATION SHEET**

**STANDARDS COMMITTEE**

24/05/10

FROM: Senior Democratic  
Services Officer

TO: CS = Council Solicitor  
DSO = Democratic Services Officer  
MO = Monitoring Officer

The following decisions are brought to your attention for action by the appropriate officers within your Service:

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**3. APOLOGIES FOR ABSENCE**

**RESOLVED** that the Monitoring Officer send a letter on behalf of the Committee to wish Mr Reynolds a speedy recovery following his recent stay in hospital.

MO

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**7. OUTSTANDING MINUTES LIST**

**RESOLVED** that:

2) The Monitoring Officer to confirm with the Section 151 Officer if the authorisation for Member Allowances has been streamlined and implemented and to report back to the next meeting.

MO

3) The Monitoring Officer to seek clarification from the Section 151 Officer regarding claims for personal mobile phone usage and report back to the meeting.

MO

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**8. REPORT(S) OF THE MONITORING OFFICER**

(a) Standards for England Publications Bulletin 45

**RESOLVED** that:

2) The Democratic Services Officer to the Committee send a copy of this bulletin to the Clerks to the Parish Councils to put on their own agenda and ensure that Parish Councillors are kept up to date with the standards and ethical framework agenda.

DSO

3) 'Parish Councils' to be included as an item on the agenda for the next meeting.

MO

(c) Standards for England Publications Bulletin 47

**RESOLVED** that:

2) The Monitoring Officer to check the situation regarding public indemnity and report back to the Committee.

MO

- (d) Local Assessment of Complaints – DVD produced to help Assess complaints about Councillors – “Assessment Made Clear”

**RESOLVED** that:

- 2) Arrangements be made for the Committee to view the DVD at the next training session.

MO

- (f) Confidential Information Protocol

**RESOLVED** that:

- 2) The Confidential Information Protocol be adopted and published on the Council's website under the section ' Council and Democracy'.

MO

- 3) A condensed version be printed for inclusion in the Council Diary.

MO

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**10. REPORT(S) OF THE MONITORING OFFICER**

- (a) Case 01392

**RESOLVED** that:

- 2) The Assessment Sub-Committee consider process, evidence and audit trail prior to future referrals to Standards for England.

MO/CS

- 3) A case summary be published on the Council's website.

MO

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**11. REPORT(S) OF THE DEPUTY MONITORING OFFICER**

- (a) SBE 07821 AK00U AND SBE 07822 1D1QU

**RESOLVED** that:

- 3) The Committee considers lessons learnt.

MO

- 4) Confidential matters be “flagged” as ‘confidential’.

DSO

- 5) The Committee considers a protocol in relation to complaints of Standards Committee Members.

MO/CS

- 6) Notwithstanding there being no legal requirement to do so, the Decision Notice be published on the Council's website in the interests of openness and transparency.

MO

- 7) The Committee further debates lessons learnt in conjunction with their review of the Local Framework Assessment criteria.

MO/CS

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12. ANY OTHER BUSINESS

(a) Vacancy

**RESOLVED** that the vacancy for a Parish Councillor on the Standards Committee be advertised.

CS



**STANDARDS COMMITTEE****Monday, 14<sup>th</sup> June 2010****OUTSTANDING MINUTES LIST**

Members please note that the updated positions are shown in bold type following each item. ( CS = Council's Solicitor; DMO = Deputy Monitoring Officer; MO = Monitoring Officer)

<u>Min. No.</u>	<u>Date</u>	<u>Subject</u>	<u>Decision</u>	<u>Officer Responsible</u>
8(c)	8.6.09	Constitution - Revision	(2) The revised draft Constitution be presented to a special meeting of Standards Committee as part of the consultation process, prior to its submission to full Council.	CS/MO
<b>Report to be presented to a special meeting</b>				
27(f)	14.9.09	Local Settlements – Ombudsman Complaints 2007/08	(2) Further reports, as appropriate, be presented to future meetings of the Standards Committee.	MO
<b>See Agenda Item No 7(c)</b>				
27(g)	14.9.09	Review of Membership of the Assessment and Review Sub-Committees	(3) The membership of the Assessment and Review Sub-Committees be reviewed after six months.	CS
<b>Review to be undertaken following training</b>				
60(a)	30.11.09	Members' Allowances	(3) The control mechanism and guidance to Members be revised in light of the findings, and it be reported back to Standards Committee when these are in place.	DMO
<b>See Agenda Item No 7(f)</b>				
61(b)	30.11.09	Revised Criteria	The criteria be presented to the January 2010 meeting of the Standards Committee if available.	CS

See Agenda Item No 7(e)

65(a)	30.11.09	Freedom of Information	(3) Further reports be presented to future meetings of the Standards Committee as and when appropriate.	MO
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**Report to be presented to July 2010 meeting**

87(b)	29.3.10	Update on Code of Conduct Complaints	A report on the final annual figures for the current municipal year to be presented to the Standards Committee prior to presenting its annual update to full Council.	MO
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**Report to be presented to future meeting**

8(a)	24.5.10	Standards for England Publications Bulletin 45	(3) 'Parish Councils' be included as an item on the agenda for the next meeting.	MO
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**Bulletin circulated to parish council clerks 27.5.10**

11(a)	24.5.10	SBE 07821 AK00U and SBE 07822 1D1QU	(7) The Committee further debates lessons learnt in conjunction with their review of the Local Framework Assessment criteria.	MO/CS
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**To be discussed at a future meeting**

**BASSETLAW DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**14<sup>TH</sup> JUNE 2010**

**REPORT OF THE MONITORING OFFICER**

**Code of Conduct Complaints Summary to March 2010**

Contact: Ros Theakstone  
Ext: 3378

**1. Public Interest Test**

The author of this report Ros Theakstone has determined that the contents are not of a confidential nature.

**2. Purpose of the Report**

To provide Members of the Committee with an analysis and overview of Code of Conduct complaints received since the start of Local Assessment in May 2008 to the end of March 2010. .

**3. Background and discussion**

- 3.1 The Standards Committee has been receiving and assessing Code of Conduct complaints about elected and co-opted members since introduction of the new Local Standards Framework on 8<sup>th</sup> May 2008.
- 3.2 There have been several reports to the Standards Committee on performance and the Committee In turn has reported to full Council through the Chairman on the outturn figures for 2008/09. 15 complaints had been received and considered in 2008/09, a figure that was above the national average for that period of time.
- 3.3 Appendix 1 provides the detail of complaints received since May 2008 until the end of March 2010. Members will note that a total of 40 complaints have been received within this time period indicating that a total of 25 complaints were considered during 2009/10. This figure does not include those complaints (i.e. 1377, 1380 and 1384) and which involved several subject members but were processed as single complaints. Equally, the information does not provide detail of work undertaken by the committee in respect of reviews and hearings as part of the complaints process.
- 3.4 Members will note that 5 complaints in total were considered as a breach of the Code of Conduct, 2 were put forward for mediation and 2 remain outstanding pending the conclusion of external investigation.

#### 4. Implications

a) **For service users**

It is essential that a consistent, robust complaints handling procedure is in place both to comply with statutory requirements but also to ensure complainants and subject members understand the processes being followed and the role the Standards Committee undertake.

b) **Strategic and Policy**

None from this report

c) **Financial** [11/462]

There are no direct financial implications arising from this report.

d) **Human Resources**

None from this report

e) **Legal** [164/06/10]

Regulatory and constitutional requirements prescribe procedure to be observed and followed by the Standards Committee.

f) **Community Safety, Equalities, Environmental**

None arising

g) **Key Decision**

None

#### 5. Options, Risks and Reasons for Recommendations

The Standards Committee has an obligation to comply with statutory and regulatory procedures and to ensure that Code of Conduct complaints are dealt with accordingly.

#### 6. Recommendations

That the Standards Committee notes the content of the report and present the information as part of it's yearly Update Report to full Council at it'snext meeting.

#### **Background Papers**

Code of Conduct Complaints Data

#### **Location**

Legal Service

# CODE OF CONDUCT COMPLAINTS: MAY 2008 – 31 MARCH 2010

## Appendix 1

REF	DATE OF COMPLAINT	COMPLAINANT	SUBJECT	NOTES ON COMPLAINT	ACTION OUTCOME
1351	28/11/08	Parish Council	Parish Councillor	Various	Investigation No Breach
1360	17/07/08	Councillor	Councillor	Breach of Confidentiality	External Investigation No Breach
	17/07/08	Councillor	Councillor	Breach of Confidentiality	No Action
1361	18/07/08	Member of Public	Councillor	Breach of confidentiality	No Action
1362	22/09/08	Parish Council	Councillor	Disrespect etc	Internal Investigation Breach – Apology
1363	05/08/08	Councillor	Councillor	Disrepute	No Action
1364	25/08/08	Councillor	Parish Councillor	Disrespect	Mediation
1365	08/09/08	Councillor	2 Councillors	Misuse of Public Funds	No Action
1366	01/10/08	Councillor	Councillor	Disrespect	Internal Investigation Breach - Apology
1367	20/10/08	Parish Council	Parish Councillor	Disrespect	Investigation Breach - No Action due to circumstances
1368	28/11/08	Parish Council	Parish Councillor	Disrespect	Internal Investigation - No breach
1369	16/01/09	Councillor	Parish Councillor	Declaration failure	No Action
1370	01/02/09	Councillor	Councillor	Abuse towards local resident	Internal Investigation Breach/ - Apology
1371	15/02/09	Councillor	Parish Councillor	Declaration failure	No Action
1372	17/02/09	2 Councillors	Councillor	Breach of confidentiality re Cabinet report	No Action
1373	02/03/09	Officer	Councillor	Disrespect	External Investigation Breach - Sanction

REF NO	DATE OF COMPLAINT	COMPLAINANT	SUBJECT	NOTES ON COMPLAINT	ACTION OUTCOME
1374	19/03/09	Councillor	Councillor	Disrepute	No Action
1375	17/06/09	Member of the Public	Councillor	Disrespect/disrepute	No Action
1376	29/06/09	Member of the Public	Parish Councillor	Declaration failure	Internal Investigation No Breach
1377	14/07/09	Member of the Public	5 Married District Councillor couples	Disrepute	External Investigation No Breach
1378	17/07/09	Member of the Public	Parish Councillor	Declaration failure	No Action
1379	01/10/09	Parish Councillor	SC Member	Bullying/ Disrespect/ Disrepute	No Action
1380	11/09/09	Member of the Public	4 Parish Councillors	Disrepute	Mediation Discontinued due to lack of participation
1381	30/09/09	Officer	Parish Councillor	Disrespect	External Investigation No Breach
1382	30/09/09	Officer	Parish Councillor	Disrespect	External Investigation No Breach
1383	01/10/09	Parish Councillor	SC Member	Disrespect	No Action
1384	02/10/09	Parish Councillor	4 Councillors 4 SC Members	Disrespect/bullying	No Action
1385	02/10/09	Parish Council	Councillor	Disrespect	No Action
1347	09/10/09	Member of the Public	Parish Councillor	P/P interest	No Action
1388	01/11/09	Parish Councillor	SC Member	Disrespect	No Action
1388	18/11/09	Councillor	Parish Councillor	Financial breach	External Investigation Pending

REF NO	DATE OF COMPLAINT	COMPLAINANT	SUBJECT	NOTES ON COMPLAINT	ACTION OUTCOME
1390	18/11/09	Member of the Public	Parish Councillor	Prejudicial Interest	External Investigation Pending
1389	20/11/09	Member of the Public	Parish Councillor	Disrespect	No Action
1391	22/11/09	Parish Councillor	SC Member	Disrespect	No Action
1392	22/12/09	Councillor	Parish Councillor	Disrespect	External Investigation No Breach
1393	12/01/10	Member of the Public	Parish Councillor	Financial Breach	No Action
1348	04/02/10	MP	Councillor	Disrespect	No Action
1350	08/02/10	Councillor	Councillor	Disrespect	No Action
1349	16/02/10	Councillor	Councillor	Disrespect	No Action
1346	03/03/10	Member of the Public	Councillor	Confidentiality	No Action



**BASSETLAW DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**14<sup>th</sup> JUNE 2010**

**REPORT OF THE MONITORING OFFICER**

**Ombudsman Complaints 2009/10**

**Contact: Ros Theakstone  
Ext: 3378**

**1. Public Interest Test**

The author of this report Ros Theakstone has determined that the contents are not of a confidential nature.

**2. Purpose of the Report**

To provide Members of the Committee with an analysis of complaints referred to the Local Government Ombudsman during the period 2009/10.

**3. Background and discussion**

- 3.1 The Standards Committee has a responsibility to "*maintain an overview of the Council's statutory functions; complaints procedures, complaint handling and Ombudsmans investigations*". In order to discharge this responsibility, a quarterly analysis of complaints has been presented to the Committee at appropriate meetings.
- 3.2 The Committee is aware that the Council employs a Complaints and Consultation Officer who manages all complaints received from the public through the agreed Complaints Procedure. There are three prescribed stages within the procedure from an investigation by the relevant Head of Service at Stage 1, to an investigation by the Chief Executive at Stage 2 followed by a referral to the Local Government Ombudsman at Stage 3. This report therefore, seeks to provide more clarity on the Council's performance relating to those complaints referred to the Local Government Ombudsman during the past financial year.
- 3.3 The Local Government Ombudsman (LGO) will normally consider complaints at Stage 3 of the local authority procedure. In other words, a complainant cannot circumvent the process and involve the LGO until the local authority has had a chance to consider and deal with the complaint itself. Following consideration and investigation, the LGO will determine whether the local authority has managed the complaint correctly and makes a determination.
- 3.4 The LGO has the power to recommend a "Local Settlement" i.e. a decision by letter discontinuing the LGO investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant. A Local Settlement can mean a sum of money or some other form of settlement i.e. an apology or recommendation of a particular action to take place. Members will note there was one Local settlement during 2009/10. The LGO determined that the Council took too long in responding to a formal complaint//failed to take action relating to an Environmental

Health issue therefore a sum of £300.00 was recommended as compensation to the complainant.

- 3.5 Appendix 1 details the number and type of complaints referred to the LGO and where the investigative team has processed the complaint. (A number of complaints are received and dealt with by the LGO but are deemed “premature” i.e. the complainant has bypassed the local authority procedure. These are referred back to the complainant and are not included in the figures.) The figures also include 2008/09 for comparison.

#### 4. Implications

a) **For service users**

A consistent, robust complaints handling procedure is essential to ensure service users can raise queries and concerns and ensure timely responses are received. It also ensures service failures can be addressed and corrected to enhance service delivery.

b) **Strategic and Policy**

None from this report

c) **Financial [11/574]**

As detailed in paragraph 3.4 of this report.

d) **Human Resources**

None from this report

e) **Legal [165/06/10]**

As covered within this report.

f) **Community Safety, Equalities, Environmental**

None arising

g) **Key Decision**

None

#### 5. Options, Risks and Reasons for Recommendations

The Standards Committee has a responsibility to maintain an overview of complaints procedures, complaints handling and Ombudsman investigations.

#### 6. Recommendations

That the Committee note the content of the report and receives further reports as appropriate.

#### **Background Papers**

Local Government Ombudsman Report Data

#### **Location**

Community Engagement & Performance

## APPENDIX 1

### Local Government Ombudsman – Investigative Team Decisions 2009/10

Year	MI Reprs	LS	M Reprs	NM Reprs	No Mal	Omb Disc	Outside Jurisdiction	Total
2009/10	0	1	0	0	18	3	4	26
2008/09	0	2	0	0	19	3	4	28
<b>Total</b>	0	3	0	0	37	6	8	54

**MI reprs:** where the LGO has concluded an investigation and issues a formal report finding maladministration causing injustice.

**LS: (Local settlements):** decisions by letter discontinuing the LGO investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

Note: Local settlement can also mean recommendation by the Ombudsman of actions to be taken by the Council whereby no cash payment is necessary.

**M Reprs:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM Reprs:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the Council.

**No Mal:** decisions by letter discontinuing an investigation because the LGO found no, or insufficient, evidence of maladministration.

**Omb Disc:** decisions by letter discontinuing an investigation in which LGO exercised general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that no or insufficient injustice was found to warrant pursuing the matter further.

**Outside Jurisdiction:** these are cases that are outside the Ombudsman's jurisdiction.



**BASSETLAW DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**14 JUNE 2010**

**REPORT OF THE MONITORING OFFICER**

**LOCAL CODE OF CORPORATE GOVERNANCE- UPDATE**

Cabinet Member: Policy  
Contact: Ros Theakstone  
Ext: 3378

**1. Public Interest Test**

- 1.1 The author of this report, Ros Theakstone, has determined that the report is not confidential.

**2. Purpose of the Report**

- 2.1 To present the annual updated versions of the Local Code of Corporate Governance and the Annual Governance Statement 2009/10.

**3. Background and discussion**

- 3.1 Corporate governance is the system by which organisations are directed and controlled and it became an important concept following the Cadbury Committee's report in 1992 on financial aspects of corporate governance. The Nolan Committee on Standards in Public Life considered the allegations of lack of accountability, noting that there was no comprehensive framework of principles for local authorities to adhere to. In 2001 The Chartered Institute of Public Finance and Accountability [CIPFA] and the Society of Local Authority Chief Executives [SOLACE] in conjunction with other public agencies published a Guidance Note and Framework for "Corporate Governance in Local Government: A Keystone for Community Governance". This was updated in 2007 by the publication "*Delivering good governance in local government*". All local authorities have now been recommended to comply with best practice by drawing up a Local Code of Corporate Governance, based on CIPFA/SOLACE Guidance.
- 3.2 Those recommendations were incorporated within a Code approved by full Council in June 2008, and an update of this Code is required each year. The last update was approved by full Council in 2009 therefore Appendix 1 provides the update for 2010. The document sets out the Council's process for monitoring and maintenance of the Code and provides the framework for the Council to achieve its aims and objectives.

- 3.3 The Code is a 'living document' in that it must be periodically reviewed and amended to ensure that it satisfies the changing financial and corporate environment. Responsibility for review of the Code will ultimately be the responsibility of Council, acting upon the recommendations of Cabinet, having taken account of the quarterly review carried out by Officers under the aegis of the Corporate Governance Working Group.
- 3.4 The Council's two Scrutiny Committees will have the responsibility of periodically reviewing the effectiveness of the Council's corporate governance and risk management arrangements, and will make recommendations to the Cabinet and Council where appropriate and necessary to do so. Council will be expected to take careful note of such recommendations.
- 3.5 Following the approval of the updated Code by Cabinet, full Council is to be requested to approve the *Annual Governance Statement 2009/10*, a draft of which is attached and forms part of the Appendices. This will be submitted to the Special Overview & Scrutiny Committee on the 15<sup>th</sup> June 2010 for approval, and included as part of the 2009/10 Statement of Accounts report to Council on 30<sup>th</sup> June 2010. The Statement is based on core principles and the gathering of evidence to support those principles. In several cases there is a shortfall in expectation and an Action Plan has been devised which sets out what needs to be undertaken to ensure that the Council satisfactorily complies with the Code's aspirations.
- 3.6 The intention is that the Council is able to demonstrate that its practices and procedures fully comply with the CIPFA/SOLACE objectives and that the Local Code is fully observed. Compliance and monitoring of the Code is demonstrated through the 'vowel' test recommended by CIPFA/SOLACE Guidance, namely:
- Accountability
  - Effectiveness
  - Integrity
  - Openness and Inclusivity
  - Up to date
- 3.7 The Council will receive an annual report from the Chief Executive and Leader: the "Annual Governance Statement", which defines the position on whether the corporate governance arrangements are adequate and operating effectively.

#### **4. Implications**

##### **a) For service users**

By adopting and maintaining the principles of good governance, service users are assured that the Council is delivering its core services in a proper and efficient manner.

##### **b) Strategic and Policy**

The Local Code of Corporate Governance sets out the Council's strategic intent in terms of culture and behaviour as an organisation as outlined in paragraph 3.6.

c) **Financial – Ref: 11/539**

The Local Code of Corporate Governance needs to be approved so that an Annual Governance Statement can be included in the Statement of Accounts for 2009/10.

d) **Human Resources**

None from this report

e) **Legal – Ref: 168/06/10**

Recommended guideline requirements govern the considerations.

f) **Community Safety, Equalities, Environmental**

None arising.

g) **Key Decision**

None

5. **Options, Risks and Reasons for Recommendations**

The Council has an obligation to adopt best practice in respect of corporate governance.

6. **Recommendations**

That Standards Committee endorses the updated Local Code of Corporate Governance and Annual Governance Statement, and recommends the report be submitted to Cabinet and full Council for approval and implementation.

**Background Papers**

**Location**

Legal Services  
File Ref: RT/CF/MO

