



*Basingstoke
and Deane*

**Standards Committee
Annual Report 2009/10**

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Members of the Committee

The Standards Committee is composed of four Independent (Lay) Members, four Parish/Town Council Members and four Borough Council Members.

Independent (Lay) Members:

Chris Evans, has been a member of the Committee since its inauguration in 2002. He is the Chairman of the Committee.

George Hulme, has been a member of the Committee since May 2006, appointed Vice Chair of the Committee in November 2008.

Elizabeth Morris, has been a member of the Committee since October 2008.

Keith Bastin, has been a member of the Committee since October 2008.

Parish/Town Council Members:

Councillor Les Fryer, a member of Chineham Parish Council. A Member of the Standards Committee since 2003.

Councillor Jo Slimin, a member of Tadley Town Council. A Member of the Standards Committee since May 2006.

Councillor Linda Agnew, a member of Sherborne St John Parish Council. A Member of the Standards Committee since May 2009.

Councillor Keith Nuttall, a member of Old Basing & Lychpit Parish Council. A Member of the Standards Committee since May 2009.

Borough Council Members:

Councillor Dan Putty, a member of the Conservative Group. A Member of the Standards Committee since May 2008.

Councillor Philip Heath, a member of the Basingstoke First Community Party. A Member of the Standards Committee since May 2009.

Councillor Mrs Doris Jones, a member of the Liberal Democrat Group. A Member of the Standards Committee since May 2009.

Councillor Gerald Traynor, a member of the Labour Group. Resigned from the Standards Committee in February 2010.

Councillor Paul Harvey, a member of the Labour Group. A Member of the Standards Committee since February 2010.

The Monitoring Officer

The Council's Monitoring Officer is David Robb.

The Monitoring Officer is one of the three designated officers that every Council must have (the other two being the Head of Paid Service and the Chief Finance Officer – known as the Section 151 Officer).

The Monitoring Officer has a statutory role in ensuring that the Council, its members and officers carry out their functions in a proper and lawful manner.

The Monitoring Officer has an important role in contributing to the promotion and maintenance of high standards of conduct throughout the organisation. In particular, the Monitoring Officer provides support to the Council's Standards Committee.

The Monitoring Officer is responsible for establishing and maintaining the register of Members interests.

The Monitoring Officer is the lead officer for the Standards Committee and its Sub-Committees. He is responsible for ensuring that the decisions of the Standards Committee are implemented. If the Assessment Sub-Committee or the Review Sub-Committee refers an allegation for investigation, the Monitoring Officer will investigate the allegation.

The Monitoring Officer is also the main point of contact with Standards for England and submits quarterly returns on the complaints received and dealt with by the Standards Committee and its sub-committees.

Introduction to the Standards Committee

All Councils must demonstrate high standards of ethical conduct in the actions of their Members and Officers.

The Standards Committee seeks to ensure that the Borough Council, Town and Parish Council members within the Borough of Basingstoke & Deane observe the Code of Conduct that governs the ethical standards of conduct expected of Councillors.

Part of the role of the Committee is to promote good standards of conduct and help in advising and educating Councillors about the Code of Conduct.

Prior to May 2008, the Standards Board for England were responsible for receiving all complaints about alleged breaches of the Code of Conduct made against members of Basingstoke & Deane Borough Council, Town and Parish Councils within the Borough of Basingstoke & Deane. Investigations into complaints were either conducted by an Ethical Standards Officer of the Standards Board for England or referred to the Monitoring Officer for Basingstoke and Deane Borough Council.

In May 2008 the Standards Committee became responsible for receiving all complaints about alleged breaches of the Code of Conduct made against members of Basingstoke & Deane Borough Council, Town and Parish Councils within the Borough of Basingstoke & Deane. There is an initial assessment stage when the Assessment Sub Committee of the Standards Committee will meet to consider whether the complaint relates to a Borough, Town or Parish Councillor, if it discloses a potential breach of the Code of Conduct and if it does, whether it ought to be investigated or dealt with by other means such as mediation, member training or otherwise. Some decisions made by the Assessment Sub Committee can be appealed by the complainant and if an appeal is made this will be considered by a different panel, the Review Sub Committee.

If a complaint has been investigated and a breach of the Code is disclosed then a Hearing Panel will be convened to hear evidence and representations and to determine if there has been a breach of the Code of Conduct and if so what penalty is appropriate. The penalty that the Hearing Panel can impose includes:

- censuring the member
- requiring a written apology from the member
- requiring the member to undergo training
- requiring the member to participate in conciliation
- imposing restrictions from the members access to local authority premises or resources for up to 6 months
- suspending, or partially or conditionally suspending the member from being a member of the Council for a period not exceeding 6 months.

More serious cases can be referred to Standards for England which has powers to disqualify a member for up to 5 years.

Roles and Functions of the Standards Committee

On 9 October 2008, Full Council approved the following roles and functions for the Standards Committee:

- (1) promoting and maintaining high standards of conduct by Councillors and co-opted members;
- (2) assisting the Councillors and co-opted members to observe the Councillors' Code of Conduct;
- (3) advising the Council on the adoption or revision of the Councillors' Code of Conduct;
- (4) monitoring the operation of the Councillors' Code of Conduct;
- (5) advising, training or arranging to train Councillors and co-opted members on matters relating to the Councillors' Code of Conduct;
- (6) granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Councillors' Code of Conduct;
- (7) to assess and review complaints about members and conduct "determinations hearings" in accordance with the Standards Committee (England) Regulations 2008 and guidance issued by the Standards Board for England
- (8) the exercise of (1) to (7) above in relation to the parish/town councils wholly or mainly in its area and the members of those parish/town councils.
- (9) To grant exemptions for politically restricted posts
- (10) To assist the Council in the recruitment of the Independent (Lay) members. A selection panel will be appointed from members of the Standards Committee for the purpose of conducting interviews and making a recommendation to Council on the appointment of Independent (Lay) members.

The Work of the Standards Committee in 2009/10

Meetings of the Committee

The Standards Committee met on five occasions during the year, on 20 April 2009, 19 October 2009, 16 November 2009, 18 January 2010, 15 March 2010.

Further information about these meetings, including agendas, reports considered and minutes are available on the website www.basingstoke.gov.uk

Sub Committee Meetings

There were also a number of Sub Committee meetings during 2009/10. The Assessment Sub-Committee met on seven occasions during the year, dealing with a total of eleven complaints. The Review Sub-Committee did not meet during the year.

There were no Hearing Panels convened during the year.

Increasing the Committee Members

In order to have the capacity to deal with the expansion of work through taking on the local assessment function the membership of the Standards Committee was expanded in October 2008. Independent (Lay) membership was increased from 3 to 4 and Parish/Town Council membership was increased from 2 to 4 members. The new Parish Council Members were appointed in May 2009.

Procedural Changes

Changes to the Local Assessment procedures were considered and approved by the committee in April 2009.

Changes to the Hearing Panel procedures were considered and approved by the committee in November 2009.

Committee Training

On 19 October 2009, members of the Standards Committee received training on conducting Code of Conduct hearings.

On 16 November 2009, members of the Standards Committee received training on the local assessment of Code of Conduct complaints.

Member Conduct Issues

From May 2002 until 8 May 2008 complaints against members were made to the Standards Board for England. The complaints relating to Borough, Town and Parish Councillors in the Borough of Basingstoke & Deane received by the Standards Board for England were:

Year	Complaints received	Action Taken	Outcome
2002/03	5	4 investigations by SBE	No action needs to be taken
		1 - Not referred for investigation	
2003/04	6	6 - Not referred for investigation	
2004/05	3	1 was referred to Monitoring Officer for Investigation –	Finding: Breach of the Code of Conduct – Sanction: No action need to be taken.
		Not referred for investigation - 2	
2005/06	1	Investigation by SBE	No evidence of failure to comply with the Code of Conduct
2006/07	5	5 - Allegation should not be investigated	
2007/08	9	8 - Not referred for investigation	
		1 resulted in an Investigation carried out by SBE and referred to Basingstoke & Deane Borough Council for local determination	Finding: Failed to treat others with respect, but did not bring the office or council into disrepute. Sanction: Censure.

The source and subject member of the complaints were as follows:

Year	Source of complaint	Subject Member
2002/03	Member of Public – 1	Borough Councillor – 4
	Councillor – 4	Parish Councillor - 1
2003/04	Member of Public – 4	Borough Councillor – 4
	Councillor - 2	Parish Councillor – 2
2004/05	Member of Public – 3	Borough Councillor – 1
		Parish Councillor – 2

Year	Source of complaint	Subject Member
2005/06	Councillor - 1	Borough Councillor – 1
2006/07	Member of Public – 4	Borough Councillor – 3
	Councillor - 1	Parish Councillor – 1
		Town Councillor – 1
2007/08	Member of Public – 8	Borough Councillor – 3
	Council Officer – 1	Parish Councillor – 6

Since May 2008, complaints relating to Borough, Town and Parish Councillors in the Borough of Basingstoke & Deane received by the Standards Assessment Sub-Committee were:

Year	Complaints received	Decision
2008/09	6	Refer to Monitoring Officer for Investigation – 2 No further action - 4
2009/10	13	Refer to Monitoring Officer for Investigation – 9 Refer to Monitoring Officer for Other Action - 1 No further action - 3

The source and subject member of the complaints were as follows:

Year	Source of Complaint	Subject Member
2008/09	Member of Public – 5	Parish Councillor – 1
	Councillor - 1	Borough Councillor - 5
2009/10	Member of Public – 1	Parish Councillor - 3
	Councillor - 6	Borough Councillor – 10
	Council Officer – 6	

The following table analyses the complaints received by the relevant section of the Code of Conduct. It should be noted that some complaints referred to more than one section of the Code of Conduct.

Year	Section of the Code of Conduct	Number of complaints
2002/03	Paragraph 4 – “Bringing office or authority into disrepute”	1
	Paragraph 5 (a) – “Use position to confer advantage for himself or other person”	5
2003/04	Failed to declare an interest	1
	No details of relevant section provided by SBE	1
	complaint did not relate to Code of Conduct	4
2004/05	Paragraph 2 (b) – “Treat others with respect”	2
	complaint did not relate to Code of Conduct	1
2005/06	Paragraph 4 – “Bringing office or authority into disrepute”	1
2006/07	Complaint did not relate to Code of Conduct	4
	Paragraph 2 (b) – “Treat others with respect”	1
	Paragraph 4 – “Bringing office or authority into disrepute”	1
2007/08	Paragraph 2 (b) – “Treat others with respect”	1
	Paragraph 4 – “Bringing office or authority into disrepute”	1
	Insufficient information provided to make a decision	3
	Failed to declare an interest	2
	Complaint did not relate to Code of Conduct	3
2008/09	Paragraph 4 (a) – “disclosure of information given in confidence”	1
	Paragraph 5 - “Bringing office or authority into disrepute”	5
	Paragraph 6 (a) “Use position to confer advantage for yourself or other person”	1
	Paragraph 6 (b) (i) – “act in accordance with authority’s requirements	1
	Paragraph 6 (b) (ii) – “resources are not used improperly for political purposes”	1
	Did not state a section of the code of conduct	1
2009/10	Paragraph 3 (1) You must treat others with respect.	9
	Paragraph 3 (2) (b) You must not bully any person	5
	Paragraph 3 (2) (d) compromise the impartiality of those who work for, or on behalf of, the Council.	1
	Paragraph 5 – “Bringing office or authority into	9

	disrepute”	
	Paragraph 6 (b) (i) – “act in accordance with authority’s requirements	2
	Paragraph 6 (b) (ii) – “resources are not used improperly for political purposes	1

The following table analyses investigations by start date and date of conclusion:

Year	Date referred for investigation or received by ESO for investigation	Date of conclusion of investigation
2002/03	Investigation 1 – 20 August 2002	Investigation 1 - 23 Sept 2003
	Investigations 2, 3, & 4 – 31 January 2003	Investigations 2, 3,& 4 – 25 February 2004
2003/04	No investigations	No investigations
2004/05	14 December 2004	7 October 2005
2005/06	18 April 2005	17 August 2005
2006/07	No investigations	No investigations
2007/08	21 June 2007	20 December 2007
2008/09	Investigation1 – 20 October 2008	Investigation1 – still in progress
	Investigation 2 – 19 January 2009	Investigation 2 – 24 February 2010
2009/10	Investigation1 – 21 September 2009	Investigation1 – still in progress
	Investigation 2 – 15 December 2009	Investigation 2 – still in progress
	Investigation 3 – 19 October 2009	Investigation 3 – still in progress
	Investigation 4 – 18 January 2010	Investigation 4 – still in progress
	Investigation 5 – 18 January 2010	Investigation 5 – still in progress
	Investigation 6 – 18 January 2010	Investigation 6 – still in progress
	Investigation 7 – 18 January 2010	Investigation 7 – still in progress
	Investigation 8 – 15 March 2010	Investigation 8 – still in progress
	Investigation 9 – 19 April 2010	Investigation 9 – still in progress

Codes and Protocols

The Constitution for Basingstoke and Deane Borough Council contains various Codes and Protocols relevant to the functions of the Committee, as follows:

- Members Code of Conduct
- Planning Code of Conduct
- Protocol for Councillors and Officers