

# ITEM 4(a)

## MILTON KEYNES COUNCIL

10 NOVEMBER 2009

### STANDARDS COMMITTEE ANNUAL REPORT TO FULL COUNCIL - 2009

#### 1. Introduction

The Standards Committee report annually on their past activities and future plans to Milton Keynes Council (MKC) with the last report submitted to Full Council in November 2008. The period covered by this report is 1<sup>st</sup> September 2008 until 17th October 2009.

#### 2. Standards Committee Membership

The Committee consists of nine Milton Keynes Councillors, three Parish Councillors and four Independent Members. An additional fourth independent member was recruited and the temporary loss of another Independent was rectified by MKC with his reappointment. There have been a few changes in the Milton Keynes Councillor membership.

Cllr Michael Barry	Cllr Vanessa McPake (from May 09)
Cllr Edward Butler-Ellis	Cllr Catriona Morris
Cllr Elizabeth Campbell (until May 09)	Cllr Alan Richards
Cllr Mike Galloway (until May 09)	Cllr Jaime Tamagnini-Barbosa
Cllr Peter Geary	Cllr Camilla Turnbull
Cllr Jan Lloyd (from May 09)	
Parish Cllr Mike Geddes	Parish Cllr Norman Wilkes
Parish Cllr David Livingstone	
Mr Chris Fogden (Independent)	Ms Edith Watson (Independent)
Mr Richard Moore (Independent) (from December 08)	Mr Chris Rose (Independent) (reappointed July 09)

The Committee's role and function is set out in the MKC Constitution (Article 9 pre-updated version) and we have evaluated our performance against this by using the traffic light system.

The status column provides both the LAST reported traffic light colour in the 2008 report and its NOW current condition.

<b>RED</b>	Did not achieve this roll or function. Urgent corrective actions are in place.
<b>AMBER</b>	Partially achieved this roll or function but improvement actions are in place.
<b>GREEN</b>	Achieved this roll or function and will ensure that this is maintained.

### 3. Activity Status

<b>Role &amp; Function</b>	<b>Status</b>	<b>Activities</b>
(a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and Church and Parent Governor representatives.	Last Green Now Green	<ol style="list-style-type: none"> <li>1. Providing recommendations and guidance resulting from the Cases dealt with by the Committee.</li> <li>2. Ensuring wide circulation of all Standards Committee minutes and working papers.</li> <li>3. Link with Audit Committee to promote and comment upon issues of corporate governance</li> <li>4. Support to training and related initiatives</li> </ol>
(b) Assisting Councillors, co-opted members and Church and Parent Governor representatives to observe the Members' Code of Conduct.	Last Green Now Green	<ol style="list-style-type: none"> <li>1. New Councillor training at induction.</li> <li>2. Monitoring Officer invited to assist in review of development of Standards For England Guidance</li> <li>3. Advice provided and support given for Monitoring Officer and colleague's 'Open Door' approach for Councillors.</li> </ol>

<b>Role &amp; Function</b>	<b>Status</b>	<b>Activities</b>
(c) Advising the Council on the adoption or revision of the Members' Code of Conduct.	Last Green Now Green	1. Revised Code adopted in September 2007 by MK Council. No direct activities associated with this role / function during this period.
(d) Monitoring the operation of the Members' Code of Conduct.	Last Green Now Amber	1. Analysis of our complaints statistics (see section 6) shows that Milton Keynes has had (a) a higher than average number of complaints, (b) most complaints made by Councillors, which also highlights the concern of the Committee that members of the public are not sufficiently aware of how to complain; and (c) a higher than average number of complaints were being referred for investigation.
(e) Advising, training or arranging to train Councillors, co-opted members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct.	Last Green Now Green	1. See (b) above.
(f) Granting dispensations to Councillors, co-opted members and Church and Parent Governor representatives from requirements relating to interests set out in the Members' Code of Conduct.	Last Green Now Green	1. No requests for dispensations submitted to the Committee for consideration during the period of this report.

<b>Role &amp; Function</b>	<b>Status</b>	<b>Activities</b>
(g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.	Last Green  Now Amber	<ol style="list-style-type: none"> <li>1. Complaints/cases dealt with as highlighted in (d) above and in paragraph 4 below.</li> <li>2. Reviewing Standards for England Guidance for assessing and managing complaints is ongoing.</li> <li>3. Concern expressed regarding resources directed to investigations and time taken to conduct investigations and the costs involved.</li> <li>4. Specific training for the Committee on Hearings has been recommended and has been commissioned.</li> </ol>
(h) The exercising of (a) to (g) above in relation to the Parish Councils in the Borough and the members of those Parish Councils.	Last Green  Now Green	<ol style="list-style-type: none"> <li>1. Individual presentations continue to be offered to Parish Councils.</li> <li>2. Monitoring of implementation of Ethical Standards Officer Directions to the Monitoring Officer made in relation to a Parish Council. Reviewing outcomes and agreeing further activities for one Council.</li> <li>3. Continued liaison and support for the Committee and Monitoring Officer functions provided by the Community Liaison Team</li> <li>4. General training provided at intervals on the ethical framework and code of conduct – open to all members</li> </ol>

#### **4. Complaints/Cases Handled by Standards Committee**

- 4.1 Attached is the current status table for complaints received by the Committee.
- 4.2 All complaints have been assessed within the requisite target time.
- 4.3 Investigations have not been completed within the target time. A backlog built up whilst awaiting the deployment of investigative staff to this activity as of January 2009. The Committee has noted the work undertaken to address the delays and now catch up with investigations, together with

required improvement of the processes of the Committee itself, which should improve matters significantly.

- 4.4 Action to reduce delays must include acknowledging that these are sometimes caused by those being deliberately unco-operative. Additional advice and specific training has recently been accessed from Standards for England, for which we are very grateful and which should provide the monitoring officer, his nominated investigators and the Committee more robust procedures to achieve shorter timescales.
- 4.5 Three cases so far have been serious enough to progress to a Hearing. Each Hearing has resulted in recommendations to the Council directly involved but these are also communicated to all other councils.
- 4.6 One mitigating plea has been 'lack of training in the Code' but whilst we will continue to actively offer additional training we would highlight our past offers in this respect and the poor response we have mostly received.
- 4.7 One Hearing resulted in a sanction of suspension, made because of the councillor's behaviour towards officers and others. The decision was appealed. The Tribunal of the Adjudication Panel for England dismissed the appeal. On this occasion, the only criticism of the Hearing Sub-Committee was about possible undue leniency in its decision to allow for an option of reducing the sanction but felt this was a matter for the Hearing to decide upon at the time. The Tribunal commented that it *"considered that this type of bullying and disrespectful behaviour was not only distressing to the individuals concerned but also detrimental to the good governance of the Parish Council and was a very serious matter."* This is a point the Committee has and will continue to make in its training for Members.
- 4.8 The Committee is taking action to address the fact that the vast majority of the complaints about parish councillors relate to a few who serve on just three parish councils out of the forty-five in our area. These are Wolverton & Greenleys Town Council, West Bletchley Council and Campbell Park Parish Council.
- 4.9 An independent review was conducted of the reports submitted for Hearings by the Investigating Officer (the person nominated by the Monitoring Officer to carry out his investigative duties) and it found that they conformed to the Standards For England's guidance and contained expected detail to a depth required by the Adjudication Panel. Additional Hearings Training was also recommended for the Committee and this is being progressed.

- 4.10 The Committee is acutely aware of the costs charged to Milton Keynes Council in dealing with all complaints. We try not to allow this process to be used by some for political or 'power' gain. It is acknowledged that the cost of dealing with these complaints and the resulting investigations, meetings and hearings is now running to some £19,000 for the monitoring officer and legal services officer time and £63,800 for investigative officer time. The Committee has requested further reports to better identify the breakdown of these costs.

## **5. Future Activities**

- 5.1 **Procedures Associated with Code of Conduct Complaints** – A great deal of our time has been spent on the procedures used at all stages in the process. There is still work to be done to amend and refine them. The updates from the Standards For England is always studied carefully.
- 5.2 **Work Plan** - The Committee continues to operate a formal Work Plan covering its future activities. This plan is reviewed and updated at each meeting.
- 5.3 **MKC Governance – Code and Annual Statement** – The Committee considered both documents and made some contributions. The importance of the subject is recognised, as is the Standards For England's Guidance to the Committee on its role in promoting good ethical conduct in this context and its indirect connection to Member Code of Conduct.
- 5.4 **Audit Committee** – There continues to be shared links between the role of the Audit Committee and the role of the Standards Committee. Current guidance discusses that the Standards Committee should complement the role of the Audit Committee and that, whilst the Audit Committee should oversee the financial processes, the Standards Committee should take the lead on promoting good ethical conduct. Those arrangements seem to be working well at Milton Keynes, helped by the working relationship between Monitoring Officer and the head of Audit and Risk Management but expressed most directly by the membership of the Chair of the Standards Committee as a co-optee of the Audit Committee.

## **6. Comparative Statistics**

- 6.1 The following statistics were compiled from data submitted on quarterly return forms, covering the period 8 May to 30 March 2009. Monitoring officers had reported a total of 2863 cases received during that period, 2693 of which had been assessed. The breakdown of these, compared to equivalent information at Milton Keynes alone over that period, are as follows.

## 6.2 Number of complaints

Authority types	Number of cases	Average number of cases per authority	<b>MILTON KEYNES</b>
County Council	91	2.6	-
District Council	1796	7.5	-
London Borough	106	3.4	-
Metropolitan Council	310	9.1	-
Unitary	528	11.2	25 <i>complaints in total (19 investigations grouped together)</i>
Other	32	0.4	-

## 6.3 Source of complaints

Initial assessments	Nationally		Milton Keynes	
	Number	Percentage	Number	Percentage
Member of the public	1552	54.2 %	1	4 %
Member	1033	36.1 %	22	88 %
Council officer	110	3.8 %	1	4 %
Parish/town clerk	78	2.7 %	2	8 %
Monitoring Officer	8	0.3 %	0	-
M.P.	4	0.1 %	0	-
Other	78	2.7 %	0	-

#### 6.4 Initial assessment decisions

Initial assessments	Nationally		Milton Keynes	
	Number	Percentage	Number	Percentage
Referred to another authority	6	0.2 %	0	0 %
Referred to Standards Board	166	6.2 %	1	4 %
Referred to MO for alternative measures	327	12.1 %	0	0 %
Referred to MO for investigation	780	29.0 %	17	68 %
No further action	1414	52.5 %	7*	28 %

*\* Including 2 classed as 'insufficient information' for which no further information was subsequently supplied*



**COMPLAINTS MADE TO THE MILTON KEYNES STANDARDS COMMITTEE  
ALLEGING A BREACH OF A COUNCILLOR'S CODE OF CONDUCT**

<b>Ref SC/</b>	<b>Date received</b>	<b>Source</b>	<b>Council of Member (MKC/Parish)</b>	<b>Date of Assessment / Review</b>	<b>Assessment/ Review decision</b>	<b>Review (-Requested) (-Meeting) (-Outcome)</b>	<b>Determination meeting</b>	<b>Finding</b>	<b>Outcome</b>	<b>Status</b>
<b>2008/09</b>										
08/01	01/07/08	Councillor	Great Linford Parish Council	28/07/08 (20 days)	Referred for investigation	-	Hearing 05/06/09	Breach of Code	6 month suspension (reduced if training & apology)	Appeal to APE Decision upheld
08/02(a)	03/07/08	Councillor	Wolverton and Greenleys Town Council	28/07/08	Referred for investigation	-	Hearing 27/05/09	Breach of Code	Censure	Closed
08/02(b)	03/07/08	Councillor	Wolverton and Greenleys Town Council	28/07/08	Referred for investigation	-	Hearing 27/05/09	Breach of Code	No sanction	Closed
08/03	04/07/08	Councillor	Great Linford Parish Council	28/07/08	Referred for investigation	-	Combined with 08/01			Closed
08/04(a)	31/10/08	Councillor	Milton Keynes Council	20/11/08	Referred for investigation	No	Consideration 30/7/09	No breach of Code	-	Closed
08/04(b)	31/10/08	Councillor	Milton Keynes Council	20/11/08	Referred for investigation	-	Consideration 30/7/09	No breach of Code	-	Closed
08/05	11/11/08	Member of the public	Milton Keynes Council	20/11/08	Referred for investigation in part + No further action in part	- 16/02/09 :13/3/09 - 06/04/09 - No further action in part	Consideration 15/9/09	No breach of Code	-	Closed
08/06	26/11/08	Councillor	West Bletchley Council	15/12/08	Referred for investigation in part	No				Open
08/07	-	-	-	-	Withdrawn	-	-	-	-	Closed
08/08	01/12/08	Councillor	West Bletchley Council	15/12/08	No action	No	-	-	-	Closed
08/09	01/12/08	Councillor	West Bletchley Council	15/12/08	Referred for investigation in part	No				Open

Ref SC/	Date received	Source	Council of Member (MKC/Parish)	Date of Assessment / Review	Assessment/ Review decision	Review (-Requested) (-Meeting) (-Outcome)	Determination meeting	Finding	Outcome	Status
08/10	01/12/08	Councillor	West Bletchley Council	15/12/08	No action	No	-	-	-	Closed
08/11	01/12/08	Councillor	West Bletchley Council	15/12/08	No action	No	-	-	-	Closed
08/12	04/3/09*	Councillor	Campbell Park Parish Council	19/03/09	Insufficient information	No	-	-	-	Closed
<i>*Informal resolution requested 08/12/08. Escalated to full complaint 04/03/09</i>										
09/01	05/01/09	Council employee	Milton Keynes Council	22/01/09	Referred for investigation	-	-	-	-	Open
09/02	19/01/09	Councillor	Wolverton and Greenleys Town Council	05/02/09 Adjourned 18/02/09	Referred for investigation	-	Consideration 15/9/09	No breach	No breach	Closed
09/03 (a), (b), (c)	19/01/09 Fully 23/01/09	Councillor	Wolverton and Greenleys Town Council	05/02/09	Referred for investigation	-	-	-	-	Open
09/04	27/02/09	Councillor	West Bletchley Council	10/03/09	Referred for investigation	-	-	-	-	Open
09/05	03/03/09	Councillor	Wolverton and Greenleys Town Council	19/3/09	No further action	No	-	-	-	Closed
09/06	03/03/09	Councillor	Wolverton and Greenleys Town Council	19/3/09	No further action	No	-	-	-	Closed
09/07(a)	20/03/09	Councillor	West Bletchley Council	06/04/09	Referred for investigation	-	-	-	-	Open
09/07(b)	20/03/09	Councillor	West Bletchley Council	06/04/09	Further information requested	-	-	-	No further information provided	Closed
09/08	20/03/09	Council employee	Campbell Park Parish Council	06/04/09	Referred to Standards for England	-	-	-	-	Open
09/09	23/03/09	Councillor & Council employee	Campbell Park Parish Council	06/04/09 +19/04/09	Further information requested Referred for investigation	-	-	-	-	Open

Ref SC/	Date received	Source	Council of Member (MKC/Parish)	Date of Assessment / Review	Assessment/ Review decision	Review (-Requested) (-Meeting) (-Outcome)	Determination meeting	Finding	Outcome	Status
2009/10										
09/10	15/04/09	Member of the public	-	08/05/09	No further action	- 03/06/09 - 30/06/09 - No further action	-	-	-	Closed
09/11	15/04/09	Councillor	Milton Keynes Council	08/05/09	Referred for investigation	-				Open
09/12	1/7/2009	Councillor	Milton Keynes Council	15/07/09	No further action	No	-	-	-	Closed
09/13(a)	16/07/09	Councillor	Milton Keynes Council / Campbell Park Parish Council	10/08/09	Referred for investigation	-	-	-	-	Open
09/13(b)	16/07/09	Councillor	Campbell Park Parish Council	10/08/09	No further action	- 26/08/09 - 17/09/09 No further action	-	-	-	Closed
09/14	28/8/09	Councillor	Wolverton and Greenleys Town Council	17/9/09	Adjourned	-	-	-	-	Open
09/15	07/9/09	Councillor	Wolverton and Greenleys Town Council	17/09/09	Adjourned	-	-	-	-	Open
09/16	09/9/09	Councillor	Milton Keynes Council	22/09/09	No further action	-	-	-	-	Closed
09/17	22/09/09	Councillor	Wolverton and Greenleys Town Council	06/10/09	Referred for investigation	-				Open
09/18	22/09/09	Councillor	Wolverton and Greenleys Town Council	06/10/09	No further action					Open
09/19	01/10/09	Councillor	Stony Stratford Town Council							