

Standards Committee

Agenda

Date: Monday, 26th July, 2010
Time: 2.00 pm
Venue: Committee Suite 1, 2 and 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

MATTERS REQUIRING A DECISION

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public should provide 3 clear working days notice, in writing, if they wish to ask a question at the meeting, in order for an informed answer to be given. It is not required to give notice of the intention to make use of public speaking provision, however, as a matter of courtesy, a period of 24 hours notice is encouraged.

Please contact Carol Jones on 01270 686471
E-Mail: carol.jones@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

4. **Minutes of Previous meeting** (Pages 1 - 4)

To approve the Minutes of the meeting held on 25 May 2010.

5. **Local Government Ombudsman Complaints** (Pages 5 - 24)

To consider a report on a summary of the complaints dealt with by the Local Government Ombudsman (LGO) about Cheshire East Council for the period 1st April 2009 to 31st March 2010.

6. **Training Requirements**

To consider the report of the Monitoring Officer on any training requirements for Members in general and for Members of the Committee.

INFORMATION ITEMS

7. **The Future of Standards for England and Impact upon the Standards Committee** (Pages 25 - 28)

To consider a report on the current position regarding Standards for England (SfE) and the implications for the Standards Committee.

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8. **Exclusion of Press and Public**

The reports relating to the remaining item on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7C of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 and the public interest would not be served in publishing the information.

PART 2 - MATTERS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

9. **Complaints Received Under the Code of Conduct** (Pages 29 - 32)

To consider a report on the complaints received under the Code of Conduct.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Monday, 24th May, 2010 in Committee Suite 1, 2 and 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Mr N Briers (Chairman)
Mr D Sayer (Vice-Chairman)

Councillors Rhoda Bailey, B H Dykes, J Goddard, J A Hammond, M A Hollins,
M Parsons and L Smetham

Independent Members:

Mr I Clark and Mr R Pomlett.

Parish Council Representatives:

Mrs P Barnett, Mrs T Eatough and Mr K Edwards

IN ATTENDANCE:

Chris Chapman	Monitoring Officer
Paul Jones	Democratic Services Team Leader
Carol Jones	Democratic Services Officer

1 DECLARATIONS OF INTEREST

No declarations of interest were made.

2 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules Nos. 11 and 35, a total period of 10 minutes was allocated for members of the public to address the Committee on any matter relevant to its work.

There were no members of the public present and the Committee, therefore, proceeded to its next business.

3 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 29th March 2010 be approved as a correct record, subject to the following amendment –

Minute No. 99 – Bribery Bill –

Third paragraph, line 5 – delete “improver”
Insert “improper”

4 WORK PROGRAMME - 2010-2011

The Committee considered the report of the Monitoring Officer which invited Members to agree a work programme for 2010-2011.

RESOLVED:

That the Work Programme set out in the appendix to the report be adopted, together with the inclusion of the following item –

- Development of a protocol on use of ICT equipment by elected Members.

5 PARTNERSHIPS PROTOCOL

Standards for England had worked with Manchester City Council to develop a protocol for values and behaviours for use within partnerships. This had been reported to the Standards Committee on 23rd November 2009, at which time, a Member/Officer Working Group had been established with the aim of developing a Partnerships Protocol for use within Cheshire East.

The Working Group had revised the draft Protocol issued by Standards for England and had submitted the revision to the Local Strategic Partnership Executive meeting held on 12th April 2010 for comment. The Executive considered that it required additional time to consider its impact on statutory services such as Children and Adult Services as well as Safer Communities in terms of access to confidential material.

A further meeting of the Executive (held on 17th May 2010) would reconsider the document, following which, if appropriate, a further meeting of the Working Group would be convened. A report on progress would be submitted to the July meeting.

RESOLVED:

That the Committee receive the report and endorse the progress made.

6 TRAINING FOR MEMBERS

The Committee considered the report of the Monitoring Officer which invited Members to identify training needs to promote the ethical framework.

The following were suggested for inclusion, as appropriate, during the course of the year –

- Chairmen's training in respect of the process/procedures for Assessment/Review Sub-Committee and Hearings Sub-Committee

- Overall basic planning training (probity in planning) for the Independent and Parish Council representatives of the Committee

It was noted that an invitation would be extended to the Independent/ Members/Parish representatives of the Committee to attend any of the more detailed planning training sessions arranged for Cheshire East Councillors.

It was noted that at the conclusion of the meeting, Members of the Committee would be able to view the DVD "Assessment Made Clear".

RESOLVED:

- (a) That the report be noted; and
- (b) That training events be organised as appropriate throughout the year.

7 WORKING GROUP REPORT

The Committee received for information the Vice-Chairman's report of a meeting of the "Issues and Improvements" Working Party held on 11th May 2010.

RESOLVED:

That the report of the "Issues and Improvements" Working Party be noted.

8 EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following item, pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest would not be served in publishing this information.

9 COMPLAINTS UNDER THE CODE OF CONDUCT

The Committee received a report about a complaint made against a serving Cheshire East Councillor.

The complaint had been considered by an Assessment Sub-Committee on 24th March 2010, at which time the matter had been referred to the Monitoring Officer for action other than an investigation.

RESOLVED:

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 2.30 pm

Mr Nigel Briers (Chairman)

CHESHIRE EAST COUNCIL

Standards Committee

Date of Meeting: 26th July 2010.
Report of: Customer Relations Manager.
Subject/Title: Local Government Ombudsman's Annual Review for the year ended 31st March 2010.

1.0 Report Summary

- 1.1 This report provides a summary of the complaints dealt with by the Local Government Ombudsman (LGO) about Cheshire East Council for the period 1st April 2009 to 31st March 2010.

2.0 Recommendation

- 2.1 That having regard to the parameters of the Committee's terms of reference as outlined in this report, the Committee notes this report and makes any further response it considers appropriate.

3.0 Reasons for Recommendations

- 3.1 The LGO found cause for concern in the handling of two complaints against Cheshire East Council. The complaints had not been handled properly at an early stage, which resulted in them being referred to the LGO. In one case, the complainant was paid £300 and given an apology. New advice was also given to bailiffs on their future conduct.

4.0 Wards Affected

- 4.1 All.

5.0 Local Ward Members

- 5.1 All.

6.0 Policy Implications including

- 6.1 Adherence to the Corporate Compliments, Suggestions and Complaints Policy.

7.0 Financial Implications

- 7.1 If maladministration causing injustice is found, Cheshire East Council can be asked to pay compensation to a complainant. A compensation payment is also possible where a matter is settled prior to a formal finding by the Ombudsman.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Committee's terms of reference as set out in the Constitution include the following:
- Ensuring that the Council maintains appropriate links with the Commission for Local Administration in England (Ombudsman)
 - Referring issues, which impinge on staff conduct, performance, terms of employment, training and development to the appropriate and responsible Executive Member and/or Manager
 - Promoting high standards of responsiveness by the Council to its clients and contacts
- 8.2 The Committee's role in considering this report is to determine what, if any, action it should take to further the above aims.

9.0 Risk Management

- 9.1 In addition to other measures within the Council's management structure, the remit of this Committee contributes towards the management of risk in handling complaints, and the promotion of good practice.

10.0 Background and Options

- 10.1 The Annual Review acknowledges that the report covers the first year of Cheshire East Council's existence. A period which involved many challenges and adjustments for all officers and members.
- 10.2 The LGO found that 39% of the complaints showed no evidence of maladministration or evidence showing injustice to the complainant.
- 10.3 Of the complaints against Cheshire East Council considered by the LGO, 5 (13.2%) led to local settlements. The national average is 26.9%.
- 10.4 The Local Government Ombudsman Advice Team recorded 82 enquiries about Cheshire East Council during that period. Out of the 82 enquiries, 49 were forwarded onto LGO officers for further investigation.
- 10.5 The complaints considered by the LGO were Transport and Highways (12); Planning and Building Control (11); Other (7); Education (7); Adult Care Services(7); Housing(2); Benefits(2) and Public Finance(1).
- 10.6 The LGO office made decisions on 41 of the 49 complaints. The decisions on the 41 complaints are recorded as follows:- Local Settlements (the discontinuing of an investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant)(5); No Maladministration (the discontinuing of an investigation because the LGO has found no, or insufficient evidence of maladministration)(15); Ombudsman's Discretion (the discontinuing of an investigation in which the LGO have used their discretion not to pursue the

complaint. This can be for a variety of reasons, the most common of which is that the LGO have found no or insufficient justice to warrant pursuing the matter further)(18); Outside jurisdiction (cases which are outside of the LGO's Jurisdiction)(3).

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Helen Gough

Designation: Customer Relations Manager

Tel No: 01606 271519

Email: Helen.gough@cheshireeast.gov.uk

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**The Local Government Ombudsman's
Annual Review**

Cheshire East Council

**for the year ended
31 March 2010**

The Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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Section 1: Complaints about Cheshire East Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Cheshire East Council. I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two appendices to the review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

Our Advice Team deals with all initial contacts to the Ombudsmen and advise people who want to make a complaint. The Advice Team recorded 82 enquiries about your Council in 2009/10 and forwarded 49 complaints for my office to consider. The complaints we considered were transport and highways (12), planning and building control (11), other (7), education (7), adult care services (7) housing (2), benefits (2) and public finance (1).

Complaint outcomes

My office made decisions on 41 complaints about the Council in 2009/10. In any one year, there can be a difference in the number of complaints received and the number of decisions made by my office. This is because some decisions will have been made on complaints received in the previous year and not all the complaints received in 2009/10 will have been decided by 31 March.

This was the first year of the Council's existence. This must have involved many challenges and adjustments for all employees and councillors. In 39% of the complaints in my jurisdiction, I found no or insufficient evidence of maladministration causing injustice.

Local settlements

We will often discontinue enquiries into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. 26.9% of all decisions on complaints in the Ombudsmen's jurisdiction were local settlements. Of the complaints we considered about your authority, five led to local settlements (13.2%).

It is however, worth me recording two instances in which the Council's handling of a complaint was a cause for concern.

In one, the Council had failed to properly identify the full extent of a complaint about housing benefit but resolved this by the Council agreeing that a senior officer would meet and ensure a proper investigation was undertaken.

In the second, we waited for nine weeks for a response to some preliminary enquiries and then received a poor quality response which provided no supporting evidence for the Council's assertions.

There was a complaint about the behaviour of bailiffs which was not properly investigated by the Council. The Council apologised and paid £300 and issued advice to its bailiffs on conduct.

It is worth noting that the above settlements resulted from complaints where the Council failed to properly investigate at an early stage leading to the matter being investigated by the Ombudsman.

I am not suggesting that these instances indicate any wider difficulties. However, I am sure the Council would wish to be aware and have the opportunity to remind all staff of the importance of giving proper and thorough consideration to complaints.

Liaison with the Local Government Ombudsman

We made ten first enquiries and the average response time was 27.3 days which is just inside the target of 28 days. Within the average response time there was a wide range of response times with housing taking 62 days, education taking 14.5 days and adult care services just 10.5 days.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

I hope this review provides a useful opportunity for you to reflect on how the Council deals with those complaints that residents make to my office. If there are any issues that you wish to discuss, I or one of my senior colleagues would be happy to meet with the Council.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

**Mrs A Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
YORK
YO30 5FZ**

June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

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

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

NM reps: 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 we have found no, or insufficient, evidence of maladministration.

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

Outside jurisdiction: these are cases which were outside the LGO's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

Table 4. Average local authority response times 2009/10

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	0	2	0	1	1	3	4	1	8	20
Advice given	2	1	3	0	0	1	2	1	3	13
Forwarded to investigative team (resubmitted prematures)	0	0	0	1	0	1	2	3	3	10
Forwarded to investigative team (new)	7	0	7	1	2	0	9	9	4	39
Total	9	3	10	3	3	5	17	14	18	82

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	5	0	0	15	18	3	41

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	10	27.3

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days	29 - 35 days	> = 36 days
	%	%	%
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

LGO Advice Team

Enquiries and complaints received	Children and family services	Other	Total
Formal/informal premature complaints	1	0	1
Forwarded to investigative team (new)	0	2	2
Total	1	2	3

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	1	0	0	2	1	0	4

Response times

	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2008 / 2009	1	0.0
2007 / 2008	3	18.7

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

LGO Advice Team

Enquiries and complaints received	Planning and building control	Total
Forwarded to investigative team (new)	1	1
Total	1	1

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	1	0	0	0	0	1	2

Response times

	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	2	37.0
2008 / 2009	3	30.0
2007 / 2008	2	44.0

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

LGO Advice Team

Enquiries and complaints received	Planning and building control	Other	Total
Forwarded to investigative team (resubmitted prematures)	1	0	1
Forwarded to investigative team (new)	2	1	3
Total	3	1	4

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	3	0	0	3	3	0	9

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2008 / 2009	2	31.5
2007 / 2008	5	29.8

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

LGO Advice Team

Enquiries and complaints received	Children and family services	Education	Transport and highways	Other	Total
Formal/informal premature complaints	0	1	1	0	2
Advice given	0	1	0	0	1
Forwarded to investigative team (resubmitted prematures)	1	0	3	0	4
Forwarded to investigative team (new)	1	0	1	1	3
Total	2	2	5	1	10

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	1	4	0	0	4	6	2	17

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	3	19.7
2008 / 2009	27	20.0
2007 / 2008	17	22.0

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

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CHESHIRE EAST

STANDARDS COMMITTEE

Date of meeting: 26 July 2010

Report of: Monitoring Officer

Title: The future of Standards for England and impact
upon the Standards Committee

1.0 Purpose of the Report

- 1.1 To inform members of the current position regarding Standards for England (SfE) and the implications for the Standards Committee.

2.0 Decision Required

- 2.1 To note the report.

3.0 Financial Implications

- 3.1 It is unclear at this stage what if any financial implications there will be until more is known about how the volume of complaints will develop, and what if any changes there will be as to how they are handled, following the abolition of SfE. An increased amount of complaints which may have to be dealt with locally would be highly likely to require more internal resources.

4.0 Legal Implications

- 4.1 As outlined in the report below.

5.0 Risk Assessment

- 5.1 The abolition of the SfE will not, unless other legislative changes are made, remove the need for the Council to continue to have a Standards Committee to discharge its legal duties. Continuing to ensure compliance with current legislation, as it develops, will mitigate the risk of challenge.

6.0 Background/Context

- 6.1 Following the General Election and the formation of the Coalition Government, it has been announced that “the standards board regime” and as part of this, Standards for England, is to be abolished. No firm date has been set, but Autumn appears likely. The Annual Assembly which had been scheduled for October 2010 has been cancelled. A copy of a letter, dated 1 June, and sent to the Chairman of the Committee from the Chairman of SfE is attached as Appendix 1.

- 6.2 The Decentralisation and Localism Bill, which is the proposed legislation which is expected to enact the abolition, was announced in the Queen's Speech on 25 May. A search of the Parliament website shows that the draft Bill has yet to be published. Given the role of SfE as an advisory body, as well as the body which is responsible for the investigation of more serious complaints about allegations about member conduct breaching the Code, there are clearly important implications for the work of the Standards Committee and how it is supported.
- 6.3 At the present time, no firm information about how the standards regime is to be changed to reflect the abolition of SfE is available. However, given its investigative role, unless some alternative mechanism is formulated to replace this role, there are implications for how more serious complaints are to be handled, both from a workload point of view, and with regard to securing the necessary independence for the investigation of serious conduct complaints.
- 6.4 As yet, there are also no firm suggestions as to what approach the Government will take in relation to the statutory need for Standards Committees, although as there is a suggestion that changes may be enacted, a close watch needs to be kept on developments in this area. However, until any amending legislation is brought into force, the statutory need for a standards committee and its composition remain in force.
- 6.5 The Government has also expressed its intention to remove restrictions on members making and taking part in decisions where they have predetermined an issue. It is unclear how this would be intended to work, particularly as this area is one which sits outside the Code of Conduct, and has implications for the potential ability to challenge Council decisions through the civil courts, but it is an area on which SfE has in the past issued guidance, and there is a link to the Code because of the Code's general requirement that members must not act in a manner which could reasonably be regarded as bringing their office or authority into disrepute.
- 6.6 The developing situation suggests that a further report should be brought to the next scheduled meeting of the Committee.

7.0 Reasons for Recommendation

- 7.1 As outlined in part 6 above.

For further information:

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Background documents:

<http://services.parliament.uk/bills/>

Sent via email

1 June 2010

Dear Colleague

As you will no doubt be aware the Government announced in the recent Queen's Speech that the proposed Decentralisation and Localism bill will include proposals to 'abolish the Standards Board regime'. Beyond this statement, we do not currently have clear details of the scope or implications of this proposal. However, until such time as the relevant legislation is passed, the statutory framework remains operative.

We will therefore continue to work with you to support your work. In turn, we expect you to continue with your statutory duties including the assessment of allegations, and we will continue to consider cases which you refer to us.

We remain committed to ensuring that there is a proper framework of local accountability in which the public can have confidence and we wish to work with central and local government to develop any proposals. As more details emerge we will keep you informed of developments and would be interested in hearing your views about how future arrangements could most effectively work.

In the meantime, if you need clarity on any specific issues, please do continue to call our enquiries line.

Yours sincerely



Dr Robert Chilton
Chair

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