

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

AUDIT AND GOVERNANCE COMMITTEE – 26 SEPTEMBER 2012

Title of report	STANDARDS AND ETHICS – QUARTER 1 REPORT
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Purpose of report	To receive the figures for local determination of complaints and the ethical indicators for Quarter 1 of 2012/13.
Strategic aims	Organisational Development.
Implications:	
Financial/Staff	N/A
Link to relevant CAT	N/A
Risk Management	By receiving this information members will be able to manage risks.
Equalities Impact Assessment	N/A
Human Rights	N/A
Transformational Government	N/A
Consultees	N/A
Background papers	None.
Recommendations	THAT THE REPORT BE RECEIVED AND NOTED.



STANDARDS AND ETHICS

QUARTER 1 REPORT 2012-2013

1. Introduction

This is the first quarterly report to the Audit & Standards Committee detailing both the figures for the Ethical Indicators and the figures for the Local Determination of Complaints process for 2012/13.

For clarification purposes the months covered by the quarters are as follows:

- Quarter 1 – 1 April to 30 June
- Quarter 2 – 1 July to 30 September
- Quarter 3 – 1 October to 31 December
- Quarter 4 – 1 January to 31 March

The report is split into 2 parts for ease of reference; Part 1 refers to the local determination of complaints, part 2 is the table showing the ethical indicators figures.

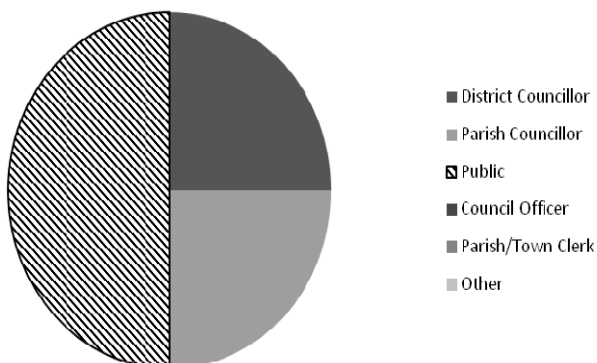
The report will enable the Audit & Governance Committee to build up a picture over time of how many complaints are received and where these are coming from. The parts of the Code of Conduct which have been breached will also be recorded to enable training to be targeted effectively.

2. Part 1 – Local Determination of Complaints

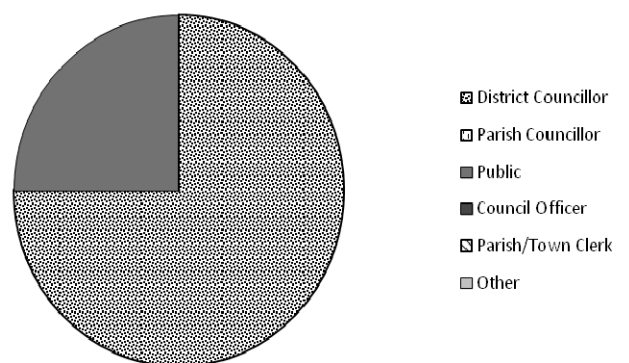
The Monitoring Officer received 4 complaints in Quarter 1 of 2012/13. All complaints were about District Councillors, 3 were received from District Councillors and 1 was received from a member of the public. This is a marked increase from the same period in 2011/12 where only 1 complaint was received. All complaints were dealt with by the Initial Assessment Sub-committee during the period. Two complaints were referred for further investigation and these have been outsourced. The results of the investigations are awaited. The following charts show the origination of the complaints received and break down how the complaints are progressing through the system. Quarter 4 of 2011/12 and Quarter 1 of 2011/12 are shown for comparison purposes.

2.1 Source of Complaints

Source of Complaints - Q4 2011-12



Source of Complaints - Q1 2012-13



2.2 Initial Assessment Decisions

As mentioned above, all the complaints received in the period were heard by the Initial Assessment Subcommittee. 2 complaints were referred to the Monitoring Officer for investigation, 1 was referred to the monitoring Officer for other action and on the final one it was decided to take no further action.

2.3 Timeliness of Decision

The Standards for England Guidance stated that the Initial Assessment Subcommittee should complete its initial assessment of the allegation “within an average of 20 working days” to reach a decision on what should happen with the complaint. The Monitoring Officer will aim to achieve this standard on an annual basis.

Two of the complaints were heard within the 20 days period and 2 were heard without.

2.4 Review Requests

There have been no review requests this year.

2.5 Subsequent Referrals

None to report – see above.

2.6 Outcome of Investigations

No investigations were concluded in this period.

2.7 Parts of the Code Breached

This section is intended to show where there are patterns forming to enable the Audit & Governance Committee to determine where there needs to be further training for Councillors. Targeting training in this way makes it more sustainable and, hopefully, more effective.

As reported above, there have been no breaches of the code found so far this year.

3. Changes following the Introduction of the New Standards Regime

Following the introduction of the new standards regime from 1 July 2012, this report will be altered to reflect the changes for future quarters. In brief, the changes to the standards regime are as follows:

- There is now the opportunity for an informal resolution by the Monitoring Officer to be attempted inclusive of early involvement of the independent person
- The Councillors that have received a complaint against them will be informed early on in the process and will be able to put their case forward
- Once the informal process has been exhausted the Monitoring Officer and the Independent Person may conduct a ‘fact-finding’ exercise to establish the groundwork for the complaint. If the complaint satisfies the initial tests it will be referred to the Assessment Sub-committee. If it does not the Monitoring Officer and the Independent Person can decide that there is “no case to

answer” and the matter will cease. There is no right of a review of this decision unless new evidence is presented.

- The number of decisions available to the Assessment Sub-committee has been reduced. They can now decide to either:
 - Accept the Monitoring Officer’s recommendation of no failure to comply with the Code of Conduct
 - Refer the matter for full investigation
 - Refer the matter for other action
- Where a Councillor is deemed to have failed to comply with the code the Determination Sub-committee may take the following action:
 - Issue a formal letter to the member found to have breached the Code.
 - Impose Formal censure.
 - Make recommendations to Full Council to remove the member from committee(s) and other appointments subject to political balance requirements (where there are political groups, the decision could only be to recommend them to change their nominated appointees).
 - A press release and other appropriate publicity.
 - Recommend Training.
 - Recommendation to Group Leader to remove the member from committee(s) and other appointments.
- The Committee has no power to suspend or disqualify the member or to withdraw members’ or special responsibility allowances.
- In relation to Parish Members, the Monitoring Officer can only make recommendations for sanctions against those Members. The responsibility for enforcing those sanctions will fall to the Parish Council as a whole with the assistance and guidance from the Monitoring Officer.

4. Part 2 – Ethical Indicators

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2011/12	2012/13	Actual 2011/12	2012/13	Actual 2011/12	2012/13	Actual 2011/12	2012/13
SE1	Objections to the Councils Accounts	Financial Planning Team Manager	0	0	0		0		0	
SE2	Referrals to and Investigations undertaken by Standards for England	Head of Legal and Support Services	0	0	0		0		0	
SE3	Follow up action relating to breaches of the Member/Officer Protocol (Members)	Head of Legal and Support Services	0	0	0		0		0	
SE3a	Disciplinary action relating to breaches of the Member/Officer Protocol (staff)	Human Resources Team Manager	0	0	0		0		0	
SE4	District Audit Public Interest Reports	Senior Auditor	0	0	0		0		0	
SE5	Number of Whistleblowing Incidents reported	Senior Auditor	0	0	0		0		0	
SE6	No. of recommendations made to improve governance procedures / policies	Senior Auditor	0	0	7		3		6	

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2011/12	2012/13	Actual 2011/12	2012/13	Actual 2011/12	2012/13	Actual 2011/12	2012/13
SE6a	No. of recommendations implemented	Senior Auditor	2	7	2		3		3	
SE7	No. of Ombudsman complaints received	Customer Services and Corporate Complaints Officer	3	1	2		0		2	
SE7a	No. of Ombudsman complaints resolved	Customer Services and Corporate Complaints Officer	3	1	2		0		2	
SE7b	No. of Ombudsman complaints where compensation paid	Customer Services and Corporate Complaints Officer	1	0	1		0		0	
SE8	No. of Corporate Complaints received	Customer Services and Corporate Complaints Officer	58	77	63		81		65	
SE8a	No. of Corporate Complaints resolved	Customer Services and Corporate Complaints Officer	58	75	63		81		65	
SE8b	No. of Corporate Complaints where compensation paid	Customer Services and Corporate Complaints Officer	1	1	5		9		3	

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2010/11	2011/12	Actual 2010/11	2011/12	Actual 2010/11	2011/12	Actual 2010/11	2011/12
Freedom of Information Act Indicators										
SE9	Total no. of requests received	Head of Legal and Support Services	112	115	94		84		120	
SE9a	No. of requests compliant	Head of Legal and Support Services	87	94	75		66		106	
SE9b	No. of Non compliant requests	Head of Legal and Support Services	16	21	9		13		14	
SE9c	No of requests still open and within the 20 working days	Head of Legal and Support Services	9	0	4		1		0	
SE9d	Number withheld due to exemptions/fees applied	Head of Legal and Support Services	19	12	2		4		12	
Regulation of Investigatory Powers Act Indicators										
SE10	No. of Directed Surveillance authorisations granted during the quarter	Senior Auditor	1	0	1		0		0	
SE10a	No. in force at the end of the quarter	Senior Auditor	0	0	1		0		0	
SE10b	No. of CHIS recruited during the quarter	Senior Auditor	0	0	0		0		0	

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2010/11	2011/12	Actual 2010/11	2011/12	Actual 2010/11	2011/12	Actual 2010/11	2011/12
SE10c	No. ceased to be used during the quarter	Senior Auditor	0	0	0		0		0	
SE10d	No. active at the end of the quarter	Senior Auditor	0	0	0		0		0	
SE10e	No. of breaches (particularly unauthorised surveillance)	Senior Auditor	0	0	0		0		0	
SE10f	No. of applications submitted to obtain communications data which were rejected	Senior Auditor	0	0	0		0		0	
SE10g	No of notices requiring disclosure of communications data	Senior Auditor	0	0	0		0		0	
SE10h	No of authorisations for conduct to acquire communications data	Senior Auditor	0	0	0		0		0	
SE10i	No of recordable errors	Senior Auditor	0	0	0		0		0	