



STANDARDS AND ETHICS

QUARTER 2 REPORT 2013-2014

1. Introduction

This is the first quarterly report to the Audit & Governance Committee detailing both the figures for the Ethical Indicators and the figures for the Local Determination of Complaints process for 2013/14.

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 3 complaints in Quarter 2 of 2013/14. All 3 complaints related to District Councillors.

2.1 Source of Complaints

There were 2 complaints received from District Councillors and 1 from a Council Officer.

2.2 Assessment Sub-Committee Decisions

There has been 1 Assessment Sub-committee meeting in this quarter, as follows:

On 1 May 2013 a complaint was made about a District Councillor relating to the distribution of an election leaflet allegedly by Hugglescote and Donington le Heath Parish on behalf of a Parish Councillor campaigning for election to Leicestershire County Council. The allegation was that the District Councillor alleged in his election leaflet that the election leaflet was distributed with the Parish Council newsletter. In summary the complaint was that the content of District Councillor's leaflet was untrue and that his conduct in producing and distributing the leaflet brought the District Council into disrepute.

The Assessment Sub-committee meeting was held on 9 August 2013 and the decision was that no further action was required. In reaching its decision the Assessment Sub-committee felt that the matters complained of related to conduct of the Councillor Cotterill in his capacity as a Parish Member, that it was a 'tit for tat' complaint and that there was no public interest in incurring expense to pursue an investigation.

As members will be aware, the Monitoring Officer now pursues an informal dispute resolution process prior to initiating formal proceedings via the sub-committee route.

2 of the 3 complaints received this quarter have been resolved informally. The other matter is still outstanding.

2.3 Timeliness of Decision

The Standards for England Guidance stated that the Assessment Sub-committee should complete its initial assessment of an allegation “within an average of 20 working days” to reach a decision on what should happen with the complaint. The Council has taken this standard and adapted it under the new rules to aim to hold an Assessment Sub-committee within 20 working days of notifying the parties that informal resolution is not possible.

2.4 Review Requests

There have been no review requests this year. Review requests can only be made following a decision of ‘No further Action’ by the Assessment Sub-committee where there is submission of new evidence or information by the complainant.

2.5 Subsequent Referrals

None to report – see above.

2.6 Outcome of Investigations

There were no investigations 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.

So far this year, the following areas of the code were found to have been breached:

N/A

4. Part 2 – Ethical Indicators

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2012/13	2013/14	Actual 2012/13	2013/14	Actual 2012/13	2013/14	Actual 2012/13	2013/14
SE1	Objections to the Councils Accounts	Financial Planning Team Manager	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		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 Whistle blowing Incidents reported		1	0	0		0		0	
SE6	No. of recommendations made to improve governance procedures / policies		0	4	4	5	2		3	
SE6a	No. of recommendations implemented		7	5	6	2	1		1	
SE7	No. of Ombudsman complaints received	Customer Services and Corporate Complaints Officer	1	* 2	2	* 2	2		2	
SE7a	No. of Ombudsman complaints resolved		1	1 (1 where LGO has sent further enquiries)	2	2 (1 awaiting final decision)	2		2 (1 responded to in Q1 13/14)	

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2012/13	2013/14	Actual 2012/13	2013/14	Actual 2012/13	2013/14	Actual 2012/13	2013/14
SE7b	No. of Ombudsman complaints where compensation paid	Customer Services and Corporate Complaints Officer	0	1	1	0	1		0	
SE8	No. of Corporate Complaints received		77	72	84	75	89		51	
SE8a	No. of Corporate Complaints resolved		75	68	84	71	89		47	
SE8b	No. of Corporate Complaints where compensation paid		1	3	2	2	6		0	

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During Quarter 2, the Council received 2 Local Government Ombudsman (LGO) cases, details as below: -

Service Area	Nature of the case	Decision by the LGO	Amount of compensation paid
Planning and Development	LGO complaint received regarding the Council's consideration of the planning application for an all weather sports pitch (at Newbridge High School) on land adjacent to complainants home & the Council's alleged refusal to investigate alleged breaches of a planning condition that prevents music being played or performed in the Sports Hall.	The LGO decided not to challenge the merits of the case officer's professional recommendation. The Council followed the correct procedure and had before it all relevant information therefore it decided the application without fault.	
Street Action	Mr C has complained to the LGO that the Council have not failed to pay the full amount of an empty properties grant	The Council complied with my earlier recommendation. It paid a total of £6,568.77 to Mr B. That is as much as I can achieve for Mr B. I cannot challenge its decision not to settle further invoices presented by Mr B.	

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2012/13	2013/14	Actual 2012/13	2013/14	Actual 2012/13	2013/14	Actual 2012/13	2013/14
Freedom of Information Act Indicators										
SE9	Total no. of requests received	Head of Legal and Support Services	115	116	84	109	83		148	
SE9a	No. of requests compliant		94	100	59	92	72		128	
SE9b	No. of Non compliant requests		21	14	14	15	11		16	
SE9c	No of requests still open and within the 20 working days		0	0	8	0	0		2	
SE9d	Number withheld due to exemptions/fees applied		12	5	3	4	9		16	

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2012/13	2013/14	Actual 2012/13	2013/14	Actual 2012/13	2013/14	Actual 2012/13	2013/14
Regulation of Investigatory Powers Act Indicators										
SE10	No. of Directed Surveillance authorisations granted during the quarter	Senior Auditor	0	0	0	0	0		0	
SE10a	No. in force at the end of the quarter		0	0	0	0	0		0	
SE10b	No. of CHIS recruited during the quarter		0	0	0	0	0		0	
SE10c	No. ceased to be used during the quarter		0	0	0	0	0		0	
SE10d	No. active at the end of the quarter		0	0	0	0	0		0	
SE10e	No. of breaches (particularly unauthorised surveillance)		0	0	0	0	0		0	
SE10f	No. of applications submitted to obtain communications data which were rejected		0	0	0	0	0		0	
SE10g	No of notices requiring disclosure of communications data		0	0	0	0	0		0	
SE10h	No of authorisations for conduct to acquire communications data		0	0	0	0	0		0	
SE10i	No of recordable errors		0	0	0	0	0		0	