

# OPERATIONS REPORT TO THE BOARD

Reporting period to 31 December 2008

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## 1) Key performance indicators

The most recent exception report is for December 2008. Performance against the Key Performance Indicators (KPIs) for the period 1 April 2008 to 31 December 2008 shows that 10 out of 12 KPIs are on track against the targets set. Details of the two KPIs that are not on target are as follows.

No.	Strategic activity	Measure	Target	Month	3 months	YTD	Light	Department	Light definition
10*	Timely investigations	Percentage of standard cases accepted for investigation by the SBE to be completed within 6 months	90%	0% (0/1)	0% (0/1)	0% (0/1)		Investigations	<div style="background-color: red; padding: 2px;">Equal to or less than 80%</div> <div style="background-color: yellow; padding: 2px;">Less than 90%, more than 80%</div> <div style="background-color: green; padding: 2px;">Equal to or more than 90%</div>

### Why was the performance target not achieved?

As of October 08, KPI 10 changed so that only cases received from May '08, when the changes associated with local assessment of complaints came into operation, would be reported on. We received very few complaints under the new system before July, so there are insufficient cases to report under the new KPI for this period.

### What measures are to be taken to ensure the target is achieved in future?

We shall be reporting on the new KPI which is a more realistic one. We have recruited two new investigators and are in the process of seeking a dedicated casework administrator which will increase the resources to deal with future cases efficiently.

No.	Strategic activity	Measure	Target	Month	3 months	YTD	Light	Department	Light definition
14	General correspondence	% of correspondence receiving an initial response within 5 working days of receipt	90%	97% (89/92)	91% (320/353)	89% (730/821)		Strategy and Guidance (Advice and Guidance)	<div style="background-color: red; padding: 2px;">Equal to or less than 80%</div> <div style="background-color: yellow; padding: 2px;">Less than 90%, more than 80%</div> <div style="background-color: green; padding: 2px;">Equal to or more than 90%</div>

### Why was the performance target not achieved?

Some enquiries were logged with dates input incorrectly which meant that they appeared to miss the KPI when in fact they did not. On other occasions the KPI was missed due to the team waiting for a response from another department before they could send the response out. This was usually for quite complex enquiries. Finally, the volume of work throughout the last month, including other work which had to take a priority over enquiries, coupled with absences due to holidays and illness, meant that some enquiries were unable to be dealt with within the required timescales.

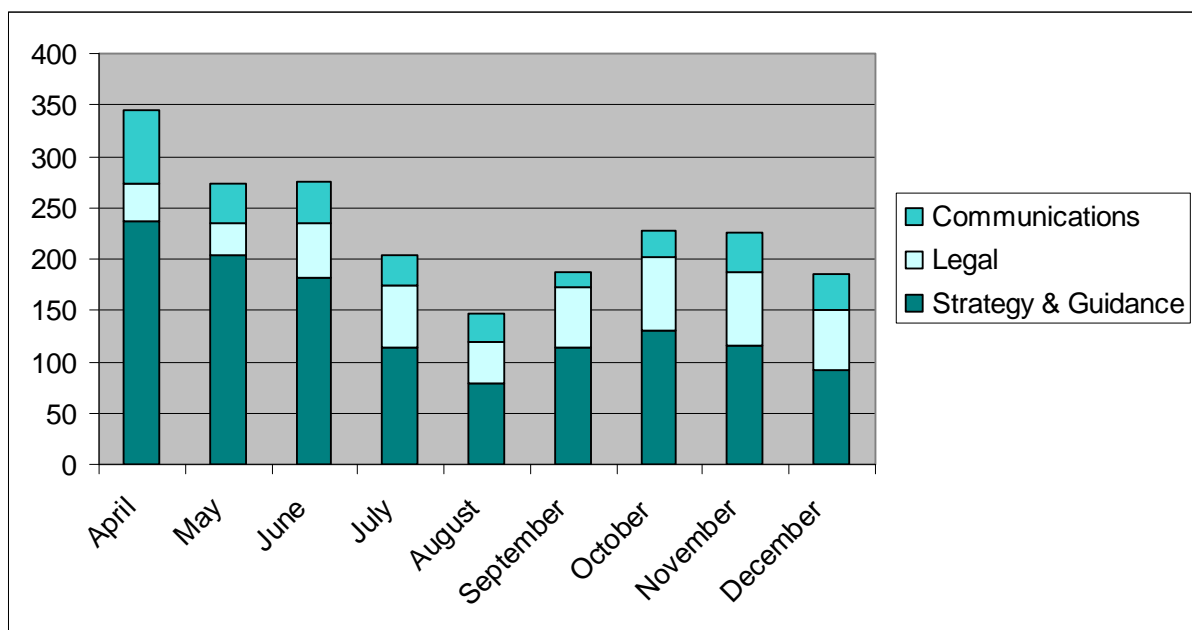
### What measures are to be taken to ensure the target is achieved in future?

Team members will be reminded again of the need to double-check their enquiries and to ensure that dates are correct. When sending enquiries to other teams for advice, the team have been reminded to put the deadline for a response in the subject of the email so that the other team are aware of when our KPI runs to.

## 2) Enquiries

### 2.1) Details of telephone enquiries

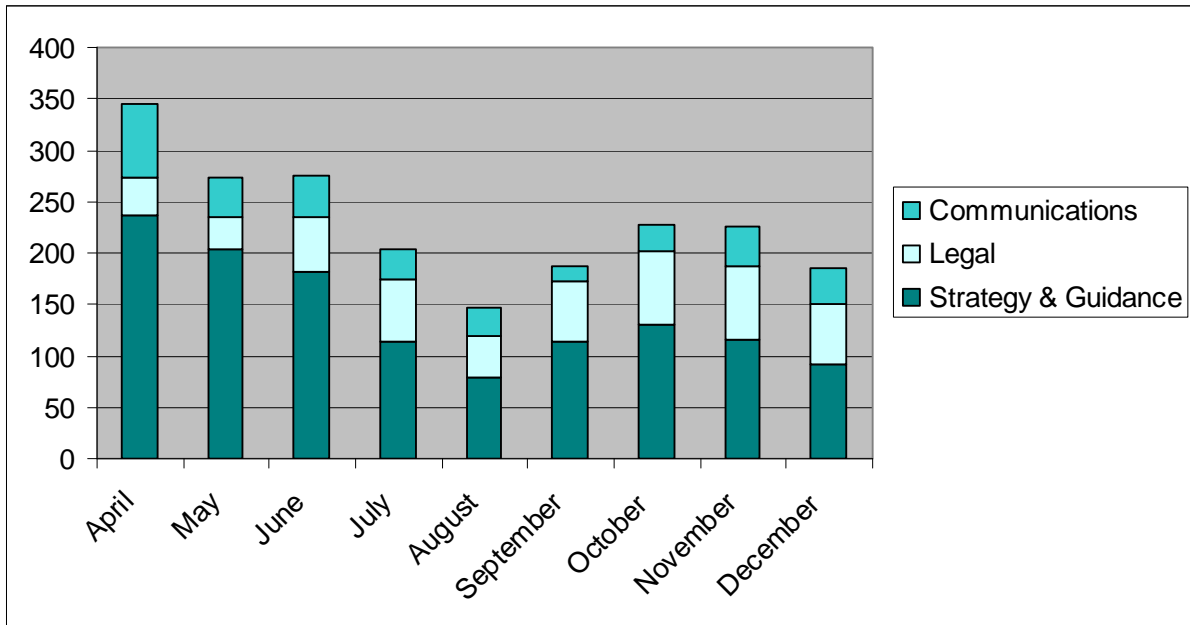
	October	November	December	Year to date	Total Jan – Dec 2007	Prediction for year to 31 Mar 09	Total year end 2008
Strategy & Guidance	130	115	92	1266	1650	1688	2175
Legal	72	72	58	482	334	643	447
Communications	26	39	36	325	515	433	671
<b>Total</b>	<b>228</b>	<b>226</b>	<b>186</b>	<b>2073</b>	<b>2568</b>	<b>2764</b>	<b>3293</b>



### 2.2) Details of written enquiries

	October	November	December	Year to date	Total Jan – Dec 2007	Prediction for year to 31 Mar 09	Total year end 2008
Strategy & Guidance	102	85	92	819	972	1229	1223
Legal	16	4	14	81	145	122	171
Communications	36	23	19	324	25	486	56
<b>Total</b>	<b>154</b>	<b>112</b>	<b>125</b>	<b>1224</b>	<b>1142</b>	<b>1836</b>	<b>1450</b>
				Plus	referrals 413		referrals 547

(N.B. in the 2007/08 financial year, a further 547 enquiries were handled by the Referrals department on top of the 1450 written enquiries received and handled).



### 2.3) Details of enquiries received

Within Strategy and Guidance there are 53 categories of enquiry subject headings that had at least 1 enquiry listed against it, during November and December 2008, for both written correspondence and telephone enquiries. The top 10 enquiry category headings were:

1. Initial Assessment of complaints (55)
2. Out of remit (29)
3. Complaints about standards committees (22)
4. General code query (20)
5. Personal and Prejudicial interests (16)
5. Actions of Council/Officers (16)
7. Standards committees (15)
8. Independent/Parish representatives (14)
9. Rules and Procedures (12)
10. Register of interest (10)

In general, since the system went local in May we have got a lot more calls about procedural issues and from people wanting to complain to us about how their local standards committee has dealt with a complaint, hoping that we will take it further. This would cover a lot of the calls logged under the subject headings in the top ten above.

## 2.4) Details of legal enquiries received

The main Legal enquiries for November and December covered the following subject headings:-

- Personal and prejudicial interests and how they affect members
- Private and official capacity
- Local assessment procedure
- Hearings procedure
- Charitable trusts
- Criteria for referral back to the SBE and what procedure to follow
- Review process for complaints
- Bias and predetermination
- Form of the decision notice
- Dispensations
- Where the old or new code should apply to a complaint received

There were no overall trends identified from the enquiries received during the period from October to December 2008.

## 2.5) Correspondence received from MPs and handled in November / December

MP	Subject	Date received	Party
Steve Webb MP Northavon	Constituent case related enquiry	19 Nov 08	Liberal Democrat
Julia Goldsworthy MP Falmouth and Camborne	Correspondence sent on behalf of a constituent re. issues of bias and predetermination	01 Dec 08	Liberal Democrat

## 2.6) Parliamentary questions handled

The Standards Board assists CLG in preparing responses to parliamentary questions. In November and December there was only response requested

Please note that the questions received are often asked of all non-departmental public bodies. There is no unusual pattern or anything of concern from the questions asked.

MP	Subject	Date Responded	Party
Andrew Turner MP	What are the costs so far of the Standards Board investigation into members of the Isle of Wight Council?	17 Nov 08	Conservative

## 2.7) Details of customer complaints

There have been twelve service complaints handled between April and December this year, 2 of which were handled between October and December. Of those 1 was partially upheld and 1 was rejected.

Details of complaints	Dept related to	month received	Upheld/ rejected?
Regarding the Isle of Wight case investigations. The complainant was commenting that the investigation was taking too long, and communication/ progress reports from the Standards Board have been minimal	Investigations	October	Partially Upheld – The Head of S&G acknowledged that there had been a lack of communication between the staff member and the subject members. This issue has been addressed by the head of the relevant department diarising monthly updates with each of the subject members concerned
Complaint from London Borough of Croydon that the Press Office was commenting on matters which are not in the public domain.	Communications	October	Rejected

**2.8) Freedom of Information Act (FOI) and Data Protection Act (DPA) requests handled**

Month response due	Freedom of Information Act		Data Protection Act	
	No. of enquiries	average time taken in days	No. of enquiries	average time taken in days
Oct-08	5	7	0	n/a
Nov-08	1	19	0	n/a
Dec-08	5	6.6	4	20
YTD	53	10.2	58	22

**2.8.1) FOI and DPA frequent topics**

- All correspondence and emails with the complainants name on
- Information requests relating to an ongoing investigation
- Case notes from an investigation
- Full ESO's report
- Cost of Standards Board to the tax payer

Those making the FOI and DPA requests are usually members of local authorities, complainants or members of the public.

### 3) Engagements

An engagement is where the Support and Assessment team contact an authority to seek clarification, offer support or request action as a result of information received from the online quarterly returns or elsewhere.

At the lower level, this may be a reminder letter with a follow up. The higher levels are tailored to the authority's particular needs, for example a training event or a managed action plan, and usually involve a visit from the Board's officers.

The figures below relate to engagements based on the first but not the second round of quarterly returns. Work has started on the second round of engagements and a report setting out the outcomes of this second monitoring period is attached to this paper (Appendix 1).

#### 3.1) Details on interventions

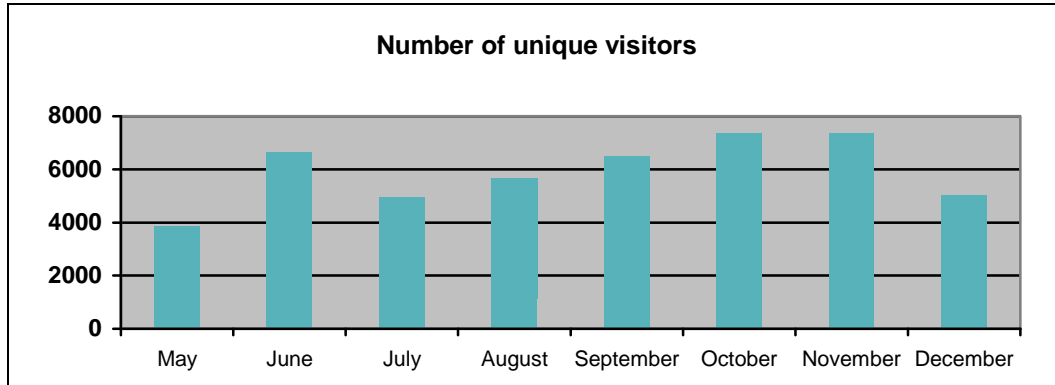
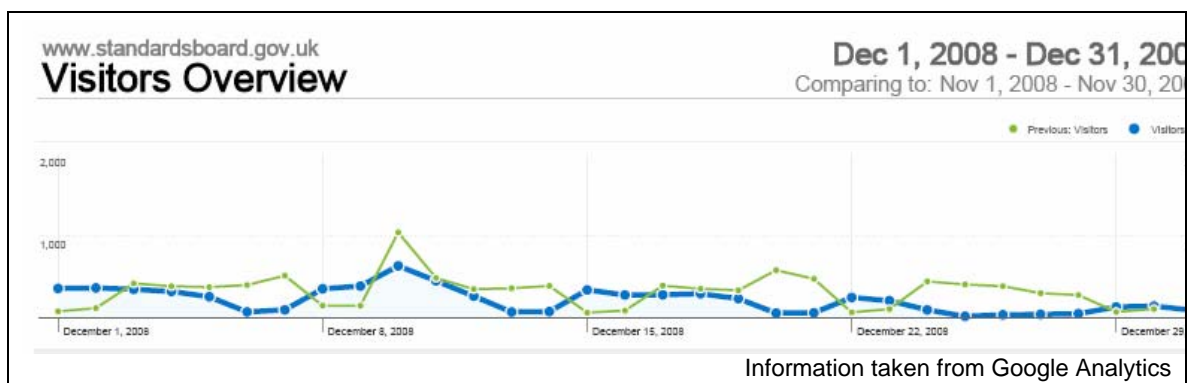
	YTD	Nov to Dec 08
Successful engagements:	29	3
Ongoing engagements:	17	1

## 4) Communications (Nov/Dec)

### 4.1) Website

#### 4.1.1) Visitors

	November	December
Number of visits to our website	11,568	8,095
Number of unique visitors	7,354	5,004
Number of website pages viewed	55,892	42,917
Average page views per visit	4.83	5.30



#### 4.1.2) Most popular content

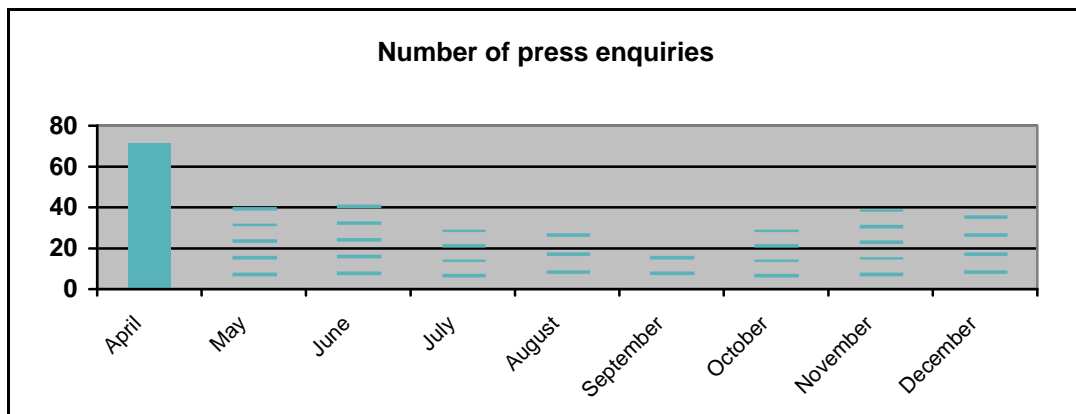
- 1 Homepage
- 2 Case information page
- 3 Case summaries A-Z
- 4 Code of Conduct guidance
- 5 Case summaries search
- 6 A-Z of publications
- 7 Website search
- 8 Code of Conduct
- 9 Publications page
- 10 Legislation

## 4.2) Media coverage

### 4.2.1) Number of media enquiries

	Nov	Dec
Local press	32	31
National press	2	1
Trade press	4	4
Other	1	-
Total number of press enquiries	39	36

### 4.2.2) Year to date



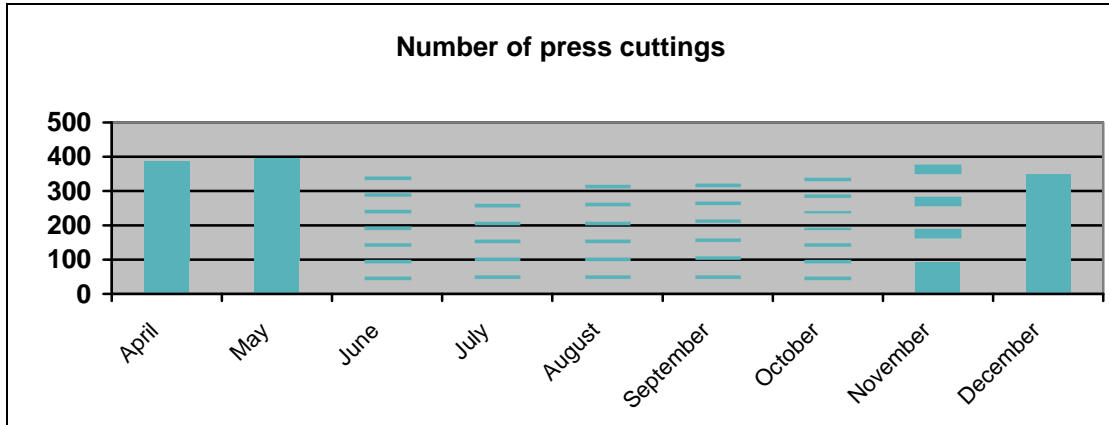
Numbers of enquiries have been lower, as anticipated, since the responsibility for assessing complaints passed to local Councils.

### 4.2.3) Number of press cuttings

Mentioning the 'Standards Board', 'standards committees', the 'Adjudication Panel for England' or the 'Code of Conduct'.

	Nov	Dec
'Standards Board'	209	155
'Standards Committee'	73	85
'Adjudication Panel'	1	3
'Code of Conduct'	89	104
'Ethical Standards Officer'	4	2
Total number of press cuttings	376	349

4.2.4) Year to date



4.3) Press releases issued

Date	Title
6 November	Six councils achieve top standards
20 November	Ex-councillor banned for five years

4.4) Articles placed

Date	Publication	Title
	None	

4.5) Details of recent publications

November	December
None	Bulletin 41 Substantial extra on-line information to meet FOI requirements FOI Publication scheme

4.6) Events managed / exhibited at

November	December
None	None

**4.7) Presentations made to external organisations / networking events, November – December 2008**

Name of event	Organisation hosting the event	Date Start	Venue	Person Attending	Type of event	Audience
Place Matters, larger councils	NALC	Nov 20	London	Louisa Fyans Annisa Kheratker	Networking	Parish councils
Annual conference	ACSeS	Nov 26	Warwick	Glenys Stacey	Speaking	MOs / legal officers
Standards Committee meeting	Broads Authority	Dec 3		Alex Oram	Training	
Branch meeting	ACSeS Southern	Dec 4	Basingstoke	Paul Hoey	Speaking	MOs / legal officers
CLG agencies Group	CLG	Dec 8	London	Bob Chilton	Networking	
Seminar on publicity code	LGIU	Dec 12	London	Gary Hickey	Speaking	Comms officers
Branch meeting	ACSeS South East	Dec 12		Mike Kendall	Networking	MOs / legal officers

**4.8) Presentations planned to external organisations / networking events, January – March 2009**

Name of event	Organisation hosting the event	Date Start	Venue	Person Attending	Type of event	Audience
Oxfordshire Standards Cttee training	W. Oxon DC	Jan 8	Oxford	Freda Sharkey	Training	Standards Cttee members / officers
Ethical governance training	Cumbria CC	Jan 15	Cumbria	Louisa Fyans	Training	Cumbria councils / Police authority / Parks authority
Governance and Partnerships conference	LGC	Jan 15	London	Elizabeth Hall	Networking	
Ladies lunch	Hanley Probus Club	Jan 21	Hanley	Anne Rehill	Speaking	
Annual conference	New Local Government Network	Jan 29	London	Elizabeth Hall	Networking	
Independent chairs forum	West Mercia Ind. Chairs	Feb 4	Ludlow	Bob Chilton	Speaking	Independent SC chairs
Annual dinner	SOLACE	Feb 4	London	Glenys Stacey, Paul Hoey	Networking	Chief Executives / senior officers
Public Services Summit	Guardian	Feb 5/6	St Alban's	Paul Gott	Networking	
Regional conference	NALC	Feb 11	Coventry	Shirley Flint Anne Rehill Louisa Fyans	Workshop / Exhibition	Parish councils
Monitoring Officers conference	ACSeS	Feb 18	London	Mike Kendall, Glenys Stacey Mark Jones	Speaking	MOs

Regional conference	NALC	Feb 21	York	Shirley Flint, Anne Rehill Louisa Fyans	Workshop / Exhibition	Parish council
Branch meeting	ACSeS	Feb 23	London	Mike Kendall Paul Gott	Networking	MOs / legal officers
Governing a World City conference	London Councils	Feb 26	London	Elizabeth Hall, Glenys Stacey	Networking	
Branch meeting	ACSeS	Feb 27	Nottingham	Mike Kendall, Paul Gott	Networking	MOs / legal officers
Practitioners conference	Society of Local Council Clerks	Feb 27	Etruria	Anne Rehill	Speaking	Parish/Town clerks
Local government conference	Conservative Party	Feb 27/28	Leeds	Sir Ron Watson, Clare Thompson	Networking / Exhibition	Conservative party members
Towns and Parishes: A stronger role	Society of Local Council Clerks	Mar 9	Flintwick, Beds	Anne Rehill Anissa Kheratkar	Speaking / Networking	Beds parish/town clerks and councillors
Regional conference	NALC	Mar 10	London	Shirley Flint Anne Rehill Louisa Fyans	Speaking / Exhibition	Parish council
Monitoring Officers conference	ACSeS	Mar 12	Manchester	Mike Kendall Glenys Stacey Freda Sharkey	Speaking	
Independent members conference	SW Ind Members	Mar 27	Bristol	Bob Chilton	Speaking	

#### 4.9) Other communications-led activity

- Nov 20/21: Film on Standards Board work shown at LGA Innovation conference, London
- Dec 4: Judging of LGC Awards (Elizabeth Hall)
- Dec 31: FOI Model scheme adopted; Scheme of publication published (on-line)
- Jan 14: First meeting of Annual Assembly 2009 steering committee (Shirley Flint)
- March 25: LGC Awards ceremony (Bob Chilton, Judy Simons, Elizabeth Hall, guests)

## 5) Casework

### 5.1) Allegations referred to the Standards Board by standards committees

Reporting period 8 May – 31 December 2008 (figures are as at end 31 December 2008 unless stated).

Month	Number referrals by Standards Committees*	Number of referrals accepted for investigation*	Number of referrals not accepted for investigation*
October	37	19	18
November	16**	5	10
December	5	2	2
<b>YTD</b>	<b>103</b>	<b>65</b>	<b>36</b>

\*figures based on the month in which the referral was received.

\*\*1 case on hold at referral stage due to ongoing court proceedings

Number of cases awaiting a decision at 31 December 2008 = 1

### 5.2) Non-acceptances

36 cases have not been accepted for investigation. A breakdown is shown below (based on the month the referral was received by the Standards Board).

Month	Referral decision		Total
	No further action	Refer back to Standards Committee	
October	16	2	18
November	4	6	10
December	1	1	2
<b>Total cases not accepted for investigation</b>			<b>36</b>

### 5.3) Trends

The main reason for standards committee referral to the Standards Board continues to be the status of the member or the complainant.

No pattern has yet emerged of the number of referrals we receive each month.

In almost all the cases where we have directed no action, this has been because the allegations, even if proved, could not have been a breach of the code. Standards

committees vary in their practice: some determine this before referring the matter to us, but they are not required to do this and many do not. .

Five cases that we referred back to standards committees in November related to the same incidents. We suggested that action other than investigation might be considered. Other cases were referred back to standards committees because we did not accept that the status of the subject member made it too difficult to deal with locally, or because other related cases were being investigated locally.

#### 5.4) Ethical Standards Officers' Investigations

Number of cases open as at 31 December	133 (plus one deferred)
Number of cases from pre 8 May open	22 (plus one deferred)
Number of investigations begun 1 November – 31 December 2008 (by date received by SBE)*	7
Number of investigations closed 1 November – 31 December 2008 (final reports issued)	7

\*1 case received in December is yet to be decided.

	Older than 12 months	6-12 months	5-6 months
Number	8 [including one set of 6 linked cases]	12 [including one set of 4 linked cases]	8 [including one set of 3 and one set of 2 linked cases]

### 5.5) Local investigations from pre May 8

Number of open cases referred to monitoring officers	160
Number of these that are nine months old or older	119
Number of these that are 12 months old or older	87
Number of these that have been closed in the period dated 8 May 2008 – 30 November 2008	79

We have serious concerns about the length of time some of these cases have been open. In some cases they may have been completed without our being notified although we do request this information, if it is not received. Many are still in the process of investigation. We have already telephoned, written, written to chief executives and in some cases visited to draw up plans for completion, but the number outstanding for over 9 and 12 months remains unacceptable.

We are reviewing our records and formulating options for further measures to bring these investigations to a satisfactory close.

### 5.6) Details of significant cases

#### Somerset

We have investigated three cases against the former deputy leader of Somerset County Council.

An APE hearing of one investigation is scheduled for 12 January. The report on the final investigation has been issued in draft and comments on that are being considered. We will update the Board on the issue of this case at the meeting.

#### Liverpool

Of two investigations relating to members of Liverpool City Council, one has now been completed, the other issued in draft and we are considering comments from the parties before issuing a final report. We will update the Board on the progress of this at the meeting

#### Isle of Wight

We have six investigations into five members of the Isle of Wight Council and one on related issues dealing with the Shanklin Town Council. We have closed one investigation owing to the death of the member concerned. Reports on two members have been issued in draft and we await comments from the parties. The other three are nearing the end of the reporting process. We will update the Board on the progress of this at the meeting

## Salford

We have completed an investigation into a complaint by the chief executive with a finding of a breach requiring no action. On investigation the case was not as serious as had been assumed. The subject member gave an apology and explanation and a high degree of reconciliation between the parties was achieved. Our investigator received a warm commendation from the chief executive. While the case was not complex, by distancing the investigation from the council we were able to build the confidence of all parties.

### Lessons Learned

We intend to review these cases which have taken a year or nearly a year, when they are completed, with a view to learning lessons for the future.

## 5.7) Hearings

### 5.7.1) How many cases went to hearings?

Decisions handed down 2008-2009			
Hearing Date:	APE / SC	Authority	Decision:
14/11/2008	APE	Erewash Borough Council.	Disqualified for 5 years
11/11/2008	SC	Oxford County Council	Censured
9/12/08	SC	Glusburn PC	Adjourned until 27 <sup>th</sup> January 2009 for sanction
10/12/08	SC	Southam TC	Censured and must write public apology or will be suspended for a month
15/12/08	SC	St Enoder PC	Suspended for 6 weeks, must give a written apology and undergo training

### 5.7.2) Future hearings 2008-2009

SBE Investigation No	Member	Authority	Adjudication Panel (APE)/standards committee (SC) hearing	Hearing Date
18210	Councillor Paul Buchanan	Somerset	APE	12/13 Jan 2009
22087	Councillor Darren Rush	New Buckenham PC	SC	13/1/09
21651	Councillor Paul Hayhurst	Fylde BC	APE	4/2/09

### 5.8) High Court matters

- 21/11/08 - Appeal to High Court from Birmingham City Council Standards Committee. The finding has not yet been made.
- Ongoing negotiations with regard to a costs order against APE decision concerning Peterborough City Council. Costs awarded to complainant and some costs awarded to the Standards Board.

## 6) IT systems downtime

	October 2008	November 2008	December 2008
File Store (S and H Drives)	99.97%	99.97%	99.98%
Phone System	100%	100%	100%
E-Mail System	100%	100%	100%
Internet Access	100%	100%	100%
CRM and Sharepoint	100%	100%	100%

This demonstrates that in 4/5 key areas of IT systems, the systems were up for 100% of the time for the three months between October and December 2008. The reasons for the slight downtime in S: and H: drives was due to ongoing problems with the hardware in the server which equates to 2 minutes of downtime in December and 3 minutes in October and November. Action is being taken on 5<sup>th</sup> January 2009 to resolve these issues.