

BABERGH DISTRICT COUNCIL

FROM: STANDARDS COMMITTEE

REPORT NUMBER: J215

TO: COUNCIL

DATE OF MEETING: 7 April 2010

ANNUAL REPORT OF THE STANDARDS COMMITTEE

1. PURPOSE OF REPORT

1.1 This report reviews the work of the Standards Committee for 2009/10.

2. RECOMMENDATION TO COUNCIL

2.1 That the content of this report be noted

3. FINANCIAL IMPLICATIONS

3.1 None.

4. RISK MANAGEMENT

4.1 This report is most closely linked with the Council's Significant Business Risk No. 7 (Performance). There are no key risks arising from this report.

5. KEY INFORMATION

5.1 MEMBERSHIP OF THE STANDARDS COMMITTEE

5.1.1 The Standards Committee comprises four elected members and six co-opted members. Having served 8 years on the Committee, Mr John Newton resigned in December 2009 and was replaced as Chairman by Mr John (Don) Watson with Mr Peter Down becoming Deputy Chairman. Mr Andrew George was appointed as a new independent member of the Committee at Full Council on 15 December 2009. Miss Penny Cooke was appointed by the Standards Committee to a further 4 year term of office as a town council representative with effect from 1st March 2010. Mr Bob Feltwell and Mrs Tasia Kavvadias continue as parish council representatives.

5.2 LOCAL HANDLING OF COMPLAINTS

5.2.1 From 1st April 2009 the Standards Committee has considered complaints against 15 councillors. Four of those complaints concerned district councillors and the remainder were against parish councillors.

5.2.2 Eight complaints were against members of the same parish council and in view of this the Committee requested that the Monitoring Officer keep a watching brief on the parish council concerned. In furtherance of this, the Monitoring Officer has checked to ensure that new procedures have been adopted, attended a meeting of the Parish Council, provided feedback and suggestions, kept in regular contact with the clerk and met with representatives of the Parish Council.

- 5.2.3 Of the complaints received, two have been referred for investigation and resulted in hearings before the Standards Hearings Sub-Committee. One complaint is yet to be assessed.
- 5.2.4 Two complaints and one aspect of a third were assessed by the Standards Assessment Sub-Committee and it decided that no action be taken. The complainant in each of these cases exercised a right of review via the Standards Committee of Mid Suffolk District Council pursuant to our reciprocal arrangements. Each decision was upheld.
- 5.2.5 The Standards Committee has not needed to review any decisions in the past year for Mid Suffolk District Council.
- 5.2.6 One complaint was referred for mediation, but the mediation failed after the parish councillor refused to participate beyond the opening session. This matter was eventually resolved through the provision of advice.
- 5.2.7 One complaint was referred to Standards For England (formerly the Standards Board) who decided that no action be taken. Eight further cases were referred for action other than investigation which have included training, adoption of new procedures and provision of advice from the Monitoring Officer.
- 5.2.8 In giving directions for 'other action', no finding of breach of the Code is made. It is a measure utilised where there is a possibility that a breach may have occurred, but the cause of the complaint can be most expeditiously addressed through a less formal route which may overcome the grievance and reduce the likelihood of the issue arising again. The most common forms of 'other action' are mediation, training and changes to council procedures, but the Standards Committee has a wide remit to direct creative solutions that it considers will improve standards within a council.
- 5.2.9 The Committee adopted its own criteria for assessing whether complaints are suitable for 'other action' and invited other Suffolk Standards Committees to utilise its criteria. This has resulted in the other Suffolk councils adopting the same approach.
- 5.2.10 The Committee has also sought to identify whether there are any learning points from complaints and what it can do to help avoid similar complaints in future. For example, this has led to the Committee providing training specifically for parish/town clerks and for the Committee to produce guidance notes in specific areas.
- 5.2.11 The Committee has a legal duty to publicise how complaints under the Code of Conduct may be made. It has discharged this duty by leaflets being made available in the Council reception and libraries in the district. Details are also available on the Council's website. Further measures will need to be utilised as we head into 2010/11.

5.3 MONITORING ROLE

- 5.3.1 Throughout the year the Committee has continued to monitor the declaration of interests made by district councillors at every committee and Council meeting to check that declarations are being made correctly.

5.3.2 The Committee also monitors the declaration of receipt of gifts and hospitality by members (over £25 in value) and the making of gifts to officers. The Committee has flagged up any points concerning the declaration of gifts to officers with the Council's internal auditors.

5.4 PROMOTION OF THE ETHICAL FRAMEWORK

5.4.1 Guidance notes have been produced for all members in areas where complaints have arisen. Guidance has been issued on the conduct of any type of site inspection and also on predetermination. A guidance note on member conduct during election periods will be circulated at the appropriate time.

5.5 TRAINING

5.5.1 Members have undertaken training on the assessment of complaints and the majority of members now also have practical experience.

5.5.2 At every Standards Committee meeting a report is considered detailing relevant decisions of the First-tier Tribunal (formerly the Adjudication Panel) which deals with appeals from Standards Committee decisions and the more serious allegations. This has enabled members to keep abreast of current interpretation and application of the Code along with appropriate sanctions.

5.5.3 A free training event was held at Hadleigh Town Football Club for town and parish clerks. This included a quiz, presentation and workshops in which attendees considered various complaint scenarios paying particular attention to areas in which local councils often experience difficulties.

5.6 ANNUAL MEETING OF STANDARDS COMMITTEES

5.6.1 Representatives of the Committee attended the Annual Meeting which was hosted by Mid Suffolk District Council and chaired by Babergh's Monitoring Officer. At the event members from across Suffolk identified various improvements that could be made to the local complaints regime. The Monitoring Officer has written to Standards For England on behalf of all eight councils to press for changes.

5.6.2 The Deputy Monitoring Officer attended the Annual Standards Conference and made report to the Committee.

5.7 REVISIONS TO THE CODE OF CONDUCT

5.7.1 A revised Code of Conduct has been awaited all year. Unsurprisingly, this will not now be issued before the General Election.

6. APPENDICES

None

7. BACKGROUND PAPERS REFERRED TO:

None

CONTACT: Kathryn Saward

EMAIL: Kathryn.saward@babergh.gov.uk