

BABERGH DISTRICT COUNCIL

FROM: The Monitoring Officer

REPORT NUMBER: **H3**

TO: COUNCIL

DATE OF MEETING: 15 April 2008

ANNUAL REPORT OF THE STANDARDS COMMITTEE

1. PURPOSE OF REPORT

1.1 This report reviews the work of the Standards Committee for 2007/08.

2. RECOMMENDATION

2.1 That the annual report be noted.

3. FINANCIAL IMPLICATIONS

3.1 None arising directly from this report although members are asked to note the content in particular of paragraphs 5.3.1 and 5.4.2.

4. RISK MANAGEMENT

4.1 This report is most closely linked with the Council's Significant Business Risk No. 4. There are no key risks arising from this report.

5. KEY INFORMATION

5.1 REVISED CODE OF CONDUCT FOR MEMBERS

5.1.1 The long awaited revised Code of Conduct came into force on 3 May 2007 and was required to be adopted by all local authorities before 1 October 2007. Babergh adopted the revised Code on 17 May 2007 with the additional provision that all Members attend training on the Code within 3 months of election. All Members completed the required training. Additionally, all Members received the Standards Board "Guide for Members" publication and a flowchart summarising the steps in determining whether a declarable interest arises.

5.1.2 All parish and town councils within the district have adopted the revised Code. The Monitoring Officer provided three training sessions on the Code for the benefit of town and parish councillors in collaboration with the Suffolk Association of Local Councils. All sessions were well-attended. The flowchart on declaration of interests was also circulated to all parish and town councils within the district.

5.2 MEMBERSHIP OF THE STANDARDS COMMITTEE

5.2.1 Currently, the Standards Committee comprises four elected members and four co-opted members. Mr Don Watson was appointed to the Committee on 1 October 2007. He joins Mr John Newton as an independent member of the Committee. Mrs Jayne Cole resigned as a parish council representative on the Committee in February 2008 and is shortly to be replaced following conclusion of the recruitment process. Miss Penny Cook continues to serve on the Committee as a town council representative.

5.3 CODE OF CONDUCT HEARINGS

5.3.1 The Committee has received no complaints for determination from the Standards Board during the past twelve months. This follows the national trend of significantly fewer complaints being subject to investigation. It is envisaged that this position will alter with the transfer to a locally based complaints procedure which becomes operative in Spring 2008. This may necessitate the out-sourcing of some investigations at increased cost to the Council for which some budgetary provision exists.

5.4 LOCALLY BASED CODE OF CONDUCT COMPLAINTS REGIME

5.4.1 Throughout the year the Committee has been preparing for its new functions in assessing all Code of Conduct complaints in place of the Standards Board for England. This has involved the Committee exploring the possibilities for joint working across Suffolk in the discharge of the new functions. In this regard the Suffolk Standards Committees were selected by the Standards Board to participate in a pilot for joint working. This saw David Prince, the Chief Executive of the Standards Board, attend the Annual Meeting of Standards Committees in Suffolk to deliver a keynote speech. At this event, Committee members across Suffolk developed ideas for joint working. These are now being progressed through arrangements with a partner authority which are subject to Council approval. It is proposed that Babergh will initially work with Mid Suffolk District Council.

5.4.2 As part of its new functions, the Committee will have a statutory duty to publicise the arrangements for making a complaint against a district, town or parish councillor on an ongoing basis. It is proposed that joint arrangements be made with the other Suffolk authorities to save cost wherever possible e.g. a joint advertisement in at least one local newspaper and the production of a leaflet on behalf of all Suffolk Standards Committees to be distributed and made available across the County. It is also proposed that details appear on the Council's website along with an article in '*Babergh Matters*'.

5.4.3 The Standards Board will be issuing guidance to Standards Committees with target timescales for the initial assessment of complaints and it will need to produce quarterly reports to the Standards Board on its performance under the new system. The Standards Board will monitor the Committee's performance and may suspend its power to consider complaints if it fails to meet the requisite standard of decision-making. If this occurs, Councils may be charged for the exercise of the standards role by another authority.

- 5.4.4 The Committee will also be under a duty, with limited exceptions, to provide a written summary of a complaint to the councillor complained against. This will occur after the Committee has conducted an initial assessment of whether the complaint should be subject to investigation.
- 5.4.5 It is further proposed under the new system that the Committee has a discretion not to require a formal investigation of a complaint, but to require the Monitoring Officer to deal with the complaint in another way e.g. through mediation. The Monitoring Officer has undertaken a mediation qualification to facilitate such action, where appropriate.
- 5.4.6 The sanctions open to the Committee will increase in line with its new responsibilities although precise details are not known at this stage. Indeed, the Committee responded at length to the Government consultation on this and other particulars of the proposed changes.
- 5.4.7 A further change is the requirement from 1 April 2008 for the Standards Committee to be chaired by an independent member of the Committee. This has therefore necessitated Councillor Penny Clarke to step down as Chairman of the Committee with effect from this date after a number of years in the role.

5.5 MONITORING ROLE

- 5.5.1 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 correctly made.
- 5.5.2 The Committee has also monitored the declaration of receipt of gifts and hospitality by members (over £25 in value) and the making of gifts to officers.

5.6 CASE REPORTS

- 5.6.1 The Committee has continued to receive regular reports of case decisions made by the Adjudication Panel and appeals from Standards Committee decisions to the Independent Appeals Tribunal. Details of such cases have been circulated to all members for information.

5.7 TRAINING

- 5.7.1 The Committee discusses standards training for Councillors at every meeting. Training over the course of the last year has focused on the revised Code.

6. APPENDICES

None.

7. BACKGROUND PAPERS REFERRED TO:

None.

CONTACT: Kathryn Saward
Monitoring Officer

DIRECT LINE: 01473 825729