

## **BABERGH DISTRICT COUNCIL**

<b><u>FROM:</u> THE STANDARDS COMMITTEE</b>	<b><u>REPORT NUMBER</u>    <b>K236</b></b>
<b><u>TO:</u>    COUNCIL</b>	<b><u>DATE OF MEETING:</u> 19 April 2011</b>

### **ANNUAL REPORT OF THE STANDARDS COMMITTEE**

#### **1.    Purpose of Report / Main Issues**

1.1    This report reviews the work of the Standards Committee for 2010/11.

#### **2.    Recommendations**

2.1    That the content of this report be noted.

Recommendation is made to Full Council.

#### **3.    Financial Implications**

3.1    There are no direct financial implications.

#### **4.    Risk Management and Legal Issues**

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

#### **5.    Consultations**

5.1    None

#### **6.    Equality and Diversity Impact**

6.1    An Equality Impact Assessment (EqIA) has not been completed because this report does not raise any issues relevant to the equalities enactments.

#### **7.    Key Information**

##### **7.1    Membership of the Standards Committee**

7.1.1    The Standards Committee comprises four Babergh councillors (Councillors Clarke, Jones, Kemp and Osborne) and six co-opted members, three of whom are independent members, two parish council members and one town council member. The Committee is chaired by Mr John (Don) Watson, an independent member who has served on the Committee since 2007. The Vice-Chairman is Mr Peter Down who was appointed to the Committee in 2008. Mr Andrew George became an independent member of the Committee in 2009. The town council representative is Miss Penny Cook who was appointed to the Committee in 2004. The parish representatives are Mr Bob Feltwell and Mrs Tasia Kavvadias who were both appointed in 2008.

7.1.2 The Committee meets quarterly. Sub-Committee meetings additionally take place as necessary to assess, review and hear complaints that have been made against parish and district councillors under the Code of Conduct.

## 7.2 Local Handling of Complaints

7.2.1 In 2009/10 the Committee handled complaints against 15 councillors. Over the past 12 months the Committee has handled 3 complaints all against district councillors. One complaint was rejected as relating to a councillor whilst acting in a private capacity i.e. the Code of Conduct did not apply. Another complaint was referred to the Monitoring Officer to arrange for training for the councillor concerned on the relevant parts of the Code arising in the complaint and for a letter to be sent to all members and substitutes of the Development Committee on standards of conduct expected. The final complaint was referred for mediation between the councillor and complainant. When the councillor did not commit to the mediation within a reasonable period, the councillor was issued with a warning as to future conduct.

7.2.2 The Committee has not been asked to review any decisions on complaints for Mid Suffolk District Council. Likewise, Mid Suffolk Standards Committee has not been asked to review any decision of the Babergh Standards Committee.

## 7.3 Promotion of the Ethical Framework

7.3.1 In April 2010 the Committee filed its Annual Return with Standards For England as required by regulation. The Return provided information on 46 questions covering the full array of the Committee's role and responsibilities, including (i) publicising the complaints process (ii) investigations conducted (iii) training and support to members (iv) relations with parish/town councils (v) influence on ethical issues within the Council. The Committee used the criteria against which it was assessed under the Annual Return to determine areas in which it could improve upon its performance.

7.3.2 Additionally, the Committee has needed to file Quarterly Returns to Standards For England with details of the complaints considered along with the outcomes and timescales in which they were handled. The requirement to file Annual and Quarterly Returns was discontinued in mid 2010.

7.3.3 The Committee has updated its advice note to councillors on ethical issues that arise for the Council and its members during the run up to any election. This note is intended to raise awareness of the restrictions facing the Council once notice of an election has been given and to provide helpful information to councillors on how inadvertent breaches of the Code of Conduct may be avoided over this period. Revisions to the note clarify issues raised by councillors in previous years.

## 7.4 Observation of Proceedings

7.4.1 Throughout the year co-opted members of the Standards Committee have operated a rota for attendance at occasional meetings of Full Council and various meetings of other Committees. This practice serves the purpose of familiarising co-opted members with the practices applied at those meetings and at the same time enables the Standards Committee to identify any causes for concern. The co-opted members make a verbal report to the following Standards Committee meeting.

Feedback has indicated that meetings are well conducted with high standards of conduct maintained. Very occasional issues have been raised informally with individual members.

## 7.5 Training

- 7.5.1 The Standards Committee has at each of its meetings received reports on recent decisions of the First-tier Tribunal (Local Government Standards in England). The Tribunal deals with appeals from Standards Committee decisions and more serious allegations. This has enabled members to keep abreast of current interpretation and application of the Code along with appropriate sanctions.
- 7.5.2 The Committee has been mindful that the present Code of Conduct may only be applicable for another few months before being revoked once the Localism Bill is enacted. In view of this the Committee's training programme for parish clerks/councillors has been held in abeyance.
- 7.5.3 Following the district council elections on 5 May 2011 training will be provided to newly elected Members on the Code of Conduct as part of their induction. A briefing note will be supplied to re-elected Members to provide a refresher on pertinent Code of Conduct issues.

## 7.6 Future of the Standards Regime

- 7.6.1 During the course of the year the Committee has tracked the changes being debated and proposed for the future of the Code of Conduct and Standards Committees.
- 7.6.2 It is known that Standards For England (formerly the Standards Board) will be dissolved. As a consequence, Standards Committees have been instructed that SFE will reduce its involvement in complaints handling and its support role.
- 7.6.3 Of most significance, however, are the proposals for change to be brought about through the Localism Bill. At this stage, the Bill provides that it will be optional for Councils (including Parish Councils) to have a Code of Conduct. Where a Code is adopted there will be a duty for any complaint made under the Code to be investigated although the Council will have discretion as to how this is achieved. It is unclear what, if any, sanctions will be available for a failure to comply with the Code.
- 7.6.4 The Bill allows for the Secretary of State to make regulations requiring the Monitoring Officer to keep and publicise a Register of Member's Interests. It is proposed for it to be a criminal offence for a councillor to:-
  - (i) fail to register a financial or other interest , as prescribed
  - (ii) fail to declare any interest that arises in Council business before taking part in a meeting
  - (iii) take part in Council business when a prohibition or restriction applies.

7.6.5 There would be a defence if the failure in (i)–(iii) was due to “reasonable excuse”. A conviction would be punishable in the Magistrates Court by a fine of up to £5,000. The Court would also have power upon conviction to disqualify a councillor from any authority for up to 5 years.

7.6.6 If the Bill is enacted in its current form, there will still be a requirement for Councils to have a Standards Committee. There will also be a statutory duty for all councils to promote high standards of behaviour within their authority. Consideration will be needed as to whether the Council retains a Code of Conduct and the Committee will make its recommendations to Full Council in due course following consultation with other Suffolk Standards Committees.

#### 7.7 Joint Monitoring Officer

7.7.1 Since September 2010, Mid Suffolk has shared a Monitoring Officer with Babergh and there are now three Deputy Monitoring Officers across the two authorities. This arrangement has delivered savings of approximately £24,000 in six months shared between the two councils.

### 8. **Appendices / Background Documents**

None.

Authorship: Kathryn Saward  
Monitoring Officer

01473 825729  
kathryn.saward@babergh.gov.uk