

BABERGH DISTRICT COUNCIL

FROM: STANDARDS COMMITTEE

REPORT NUMBER: H218

TO: COUNCIL

DATE OF MEETING: 1 April 2009

ANNUAL REPORT OF THE STANDARDS COMMITTEE

1. PURPOSE OF REPORT

1.1 This report reviews the work of the Standards Committee for 2008/09.

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. Mr Peter Down was appointed on 1st July 2008 and joins Mr John Newton (Chairman) and Mr Don Watson (Deputy Chairman) as independent members of the Committee. Mr Bob Feltwell and Mrs Tasia Kavvadias joined the Committee on 26th March 2008 and 15th May 2008, respectively, as parish representatives. Miss Penny Cook continues to serve on the Committee as a town council representative.

5.2 LOCAL HANDLING OF COMPLAINTS

5.2.1 With effect from 8th May 2008 Standards Committees became responsible for the handling of all complaints under the Code of Conduct for Members made against councillors in their area. Previously, all complaints were dealt with by the Standards Board which instead now predominantly undertakes a role as regulator and provider of guidance to authorities. Standards Committees may still in limited circumstances refer complaints to the Standards Board for investigation and sanction including where the Committee considers that its powers to suspend a member for 6 months are inadequate.

- 5.2.2 To undertake its new functions, the Standards Committee established sub-committees with floating membership. Sub-committees are always chaired by an independent member and where a complaint concerns a Babergh member, another Babergh member always sits on the sub-committee. Likewise, a parish/town representative always sits on the sub-committee when a complaint concerns a parish/town councillor. The Committee agreed county-wide criteria against which complaints are assessed to ensure consistency of approach throughout Suffolk. Complaints are assessed in closed session. However, a written summary detailing the complaint, the decision and reasons for it, must be given to the complainant, the councillor concerned and their council and also be made available for public inspection.
- 5.2.3 If a sub-committee rejects a complaint, then the complainant has the right for the decision to be reviewed. To ensure impartiality, Babergh has entered into reciprocal arrangements with the Standards Committee of Mid Suffolk District Council to undertake reviews.
- 5.2.4 The Standards Committee has so far assessed 2 complaints and conducted 1 review for Mid Suffolk. The complaints and review have been undertaken well within the 20 working day target set by the Standards Board.
- 5.2.5 As one of its new functions, the Committee has a statutory duty to publicise the arrangements for making a complaint against a district, town or parish councillor on an ongoing basis. This has been achieved in a number of ways; through an article in *Babergh Matters!*, details provided on the Council's website, complaints forms in reception and the production of a County wide leaflet on behalf of all the Suffolk authorities which is to be available in libraries across the County.

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 correctly made.
- 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.
- 5.3.3 Independent members have also attended Council/committee meetings to observe proceedings and provided feedback to the Standards Committee.

5.4 TRAINING

- 5.4.1 At the conclusion of every meeting, members of the Committee have undertaken training on the assessment of complaints utilising materials from actual complaints considered by the Standards Board. This has ensured that all members are familiar with the proper approach in assessing complaints.
- 5.4.2 It has also continued to receive reports of case decisions of the Adjudication Panel and Independent Appeals Tribunal (which considers appeals from Standards Committee decisions) to keep abreast of current interpretation and application of the Code along with appropriate sanctions.

- 5.4.3 The Committee agreed a programme for training of parish councillors focussing on the theme of avoiding complaints. One session has been held at the Stoke-by-Nayland Club on 3 February 2009.
- 5.4.4 Further training sessions are planned on an ongoing basis jointly with the Suffolk Association of Local Councils for Parish and Town Councillors as well as Clerks.
- 5.4.5 It is the Committee's intention and objective to maintain and continue with a primarily preventative and assistance role to help all Councillors avoid breaches of the Code of Conduct, and not be regarded merely as a penal Committee.

5.5 REVIEW OF PROTOCOLS

- 5.5.1 The Protocols within the Council Constitution are kept under review by the Committee to ensure that propriety is maintained and promoted. The Monitoring Officer Protocol was reviewed and updated to reflect new statutory provisions and, in particular, the local complaints procedure.

5.6 CONSULTATION ON REVISIONS TO THE CODE OF CONDUCT

- 5.6.1 The paragraphs contained within the Code which provide for specified obligations to be applicable to a member when not acting in an official capacity have never been brought into force. Instead the DCLG issued a consultation paper seeking views on the circumstances in which the Code should apply and inviting comments on the Code, generally. A new Code of Conduct is expected to be published in the summer with authorities adopting the new Code in or around September 2009.

- 5.6.2 The response of the Standards Committee to the DCLG consultation may be summarised as follows:-

- The Code should also apply to Members' conduct when acting in a non-official capacity where that conduct amounts to an indictable offence.
- The seriousness or otherwise of the criminal conduct contributing to a finding of bringing the office of councillor and his or her council into disrepute should be left for determination by Standards Committees.
- The acceptance of a formal caution (for an indictable offence) should be covered by the Code. Members should be required to report any conviction or caution that they have received to the Monitoring Officer.
- It is unnecessary to define "official capacity" in the Code and it should be left to Standards Committees to focus on the nature of the offence and the point of alleged disrepute.
- Criminal offences committed outside of the UK should be covered by the Code where the conduct would be an offence if committed in the UK
- Conduct investigations should not pre-empt any criminal process, which should be completed first.
- Where all Members of a council are affected by an agenda item, there should be no need for each Member to declare an interest, if that interest arises only by virtue of being a councillor.
- No prejudicial interest should arise from membership of another public authority

6. **APPENDICES**

None.

7. **BACKGROUND PAPERS REFERRED TO:**

None.

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