

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Joint Standards Committee	Report Number: M7
To: Council	Date of meeting: 24 and 26 April 2012

ANNUAL REPORT OF THE JOINT STANDARDS COMMITTEE

1. Purpose of Report

- 1.1 This report summarises the work of the Councils' individual standards committees from 1st April 2011 and the Joint Standards Committee which was established on 7 December 2011.

2. Recommendations

- 2.1 That the content of this report be noted.

3. Financial Implications

- 3.1 There are no direct financial implications arising from this report.

4. Risk Management

- 4.1 There are no key risks relevant to this report.

5. Consultations

- 5.1 None.

6. Equality Analysis

- 6.1 Not relevant to this report.

7. Shared Service / Partnership Implications

- 7.1 This report addresses the work of the Joint Standards Committee.

8. Key Information

8.1 Membership of the Joint Standards Committee

- 8.1.1 The Babergh and Mid Suffolk Joint Standards Committee came into effect on 7 December 2012. It currently comprises 16 members; 4 BDC elected members, 3 MSDC elected members, 4 parish/town representatives and 5 independent members. Mr JG Watson retired as an independent member of the Committee in February 2012.

8.1.2 When the Joint Committee was established it had been proposed that the Joint Committee reduce to 12 members (4 elected members, 4 parish/town representatives, 4 independent members) after Annual Council in 2012. However, it is being recommended elsewhere on the Council agenda for the current Joint Committee to continue in its current form for the time-being because of imminent and radical changes under the Localism Act 2011 which are expected from 1 July 2012. These changes will directly affect standards committees. A report will be made to Council on the new arrangements.

8.2 The Localism Act 2011

8.2.1 Throughout the year the Standards Committees have tracked the progress and changes expected under the Localism Bill which was then enacted on 15 November 2011. The sections of the Localism Act which address standards of conduct are expected to come into force on 1 July 2012 although regulations are awaited to confirm this and to provide the full details. It is clear from the Act however that Councils (including parish/town councils) will be required to have a Code of Conduct based upon the seven Nolan principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Code will also need councillors to register their pecuniary and non-pecuniary interests. It will be a criminal offence for a councillor, without reasonable excuse, to fail to register or declare an interest or to knowingly or recklessly provide false or misleading information about their interests.

8.2.2 A county wide Code of Conduct will be brought forward to a future meeting of Full Council for adoption. Parish/town councils will be encouraged to adopt the same Code, but are free to adopt any Code that is consistent with the Nolan principles.

8.2.3 Councils will need to have a system to deal with complaints against their councillors (and parish councillors). This system must include securing and having regard to the views of an 'independent person' where the complaint is to be investigated. The independent person cannot be anyone who has been a member, co-opted member or officer of the council in the past 5 years. This therefore excludes our current independent members from undertaking the role of 'independent person' for our Councils although they may exercise the role for other Suffolk authorities. Steps have been taken to establish a county 'pool' of up to 8 'independent persons' with the advertising costs being shared and the retainers payable to each person being shared by the councils.

8.2.4 Consideration is also being given as to whether a County wide Standards Committee would be viable, although each council would nonetheless still need arrangements in place to fulfil the statutory duty under the Localism Act to promote and maintain high standards of conduct.

8.3 Complaints handling

8.3.1 The tables below set out the number of complaints received under the Code of Conduct. Mid Suffolk received complaints against 7 councillors. In 2010/11 the figure was 8 complaints. There were 3 investigations which all resulted in findings of no breach of the Code. Babergh has seen a sharp increase in complaints from a total of 3 complaints in 2010/11 to 8 in 2011-12 although these figures are distorted by all complaints involving members of one parish council (Long Melford).

8.3.2 Mid Suffolk complaints:

	No. of complaints	No action	Investigation	Other action
District councillors	2	0	1 – finding of no breach at hearing	1 – referred for training on the Code
Parish councillors	5	1	2 – finding of no breach by investigator	2 - referred for training on the Code

8.3.3 Babergh complaints:

	No. of complaints	No action	Investigation	Other action
District councillors	0	-	-	-
Parish councillors	8 (2 awaiting decision)	1	1 investigation – finding of breach of the Code (disrespect & disrepute). Councillor suspended for 6 weeks 1 investigation – finding of no breach at hearing 3 current investigations	-

8.4 Observation of proceedings

8.4.1 Throughout the year co-opted members (i.e. parish representatives and independent members) from Babergh have operated a rota to occasionally attend meetings of other committees and Council. Co-opted members of the new Joint Committee have also occasionally attended meetings across both Councils to observe the proceedings. This practice enables co-opted members to familiarise themselves with Council procedures and the environment in which councillors operate. It is also an opportunity for any areas of concern to be flagged up. Co-opted members have reported of well conducted meetings with high standards of conduct.

8.5 Promotion of the Ethical Framework

8.5.1 The Committees have issued advice to councillors on the conduct of Members during the run up to an election. A guidance and advice note on the use of ‘blogs’ and social media has also been prepared and will be circulated to all members.

8.5.2 In view of pending changes to the Code of Conduct, the Committee has suspended its training programme for councillors, parish councillors and clerks. Training for councillors will be provided once a new Code is adopted following implementation of the relevant sections within the Localism Act.

8.5.3 The Committees have received regular reports on recent decisions of the First-tier Tribunal (local Government Standards in England). The Tribunal hears appeals against standards committee decisions and determines the more serious allegations against councillors. These reports have ensured that members remain up-to-date with the approach to be taken in the consideration of complaints and that decisions are lawful, fair and consistent.

8.5.4 The Standards Committee Chairman has reported to each Full Council meeting at MSDC on the work of the Committee.

9. Appendices

9.1 None.

10. Background Documents

10.1 None.

Authorship:

Kathryn Saward

Joint Monitoring Officer

01449 724679 / 01473 825729

Kathryn.saward@babergh.gov.uk