

**BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL**

<b>From: Joint Standards Committee</b>	<b>Report Number: N6</b>
<b>To: Full Council</b>	<b>Date of meeting: 23 and 25 April 2013</b>

**ANNUAL REPORT OF THE JOINT STANDARDS COMMITTEE**

**1. Purpose of Report**

- 1.1 This report summarises the work of the Babergh and Mid Suffolk Joint Standards Committee for 2012/13.

**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, but financial costs for the Joint Standards Committee appear at paragraph 8.1.1.

**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**

At the start of the 2012/13 municipal year, the Joint Standards Committee comprised 16 members - 4 BDC elected members, 3 MSDC elected members, 4 parish/town representatives and 5 independent members. The total cost in co-opted member allowances was £12,842 pa. Following the introduction of the Localism Act 2011 in July 2012, the arrangements for standards were radically changed and a new Joint Standards Committee was established comprising of 10 members, being 3 BDC elected members, 3 MSDC elected members, 2 parish/town representatives and 2 independent members. This reduction in the size of the Joint Committee along with a review of co-opted member allowances resulted in the reduction of co-opted member allowances to a total of £2,920 pa achieving savings of £9,922 pa across both Councils. It may be noted that when the Councils had individual standards committees the combined sums paid in allowances for co-opted members was £18,541 pa.

8.1.1 The current members of the Joint Standards Committee are:-

Elected members: Councillors Bavington, Brewster, Gibson-Harries (Chairman), A Osborne (Vice-Chairman), D Osborne and Roberts

Co-opted members: Miss P. Cook (Hadleigh Town Council), Mrs N Willshere (Onehouse Parish Council), Mr C A Reeve (independent member) and Mr J G Watson (independent member).

8.2 The Localism Act 2011

8.2.1 The Localism Act 2011 reformed the previous standards regime by abolishing the old Code of Conduct and complaints procedures and introducing in its place a requirement for a revised Code based upon the 'Nolan principles on public life'. This new Code also replaces personal and prejudicial interests with pecuniary and non-pecuniary interests. In doing so, it has reduced the circumstances in which a councillor will have an interest in an item of Council business. Along with the new Code came a requirement for councillors to complete new Register of Interests declaring their pecuniary interests within a 28 day period. All Registers must now be available on the Council's website with the only exception being 'sensitive interests'. For Babergh and Mid Suffolk this has included checking and uploading over 2,000 parish council registers and the task of adding these to the website remains ongoing. The Joint Committee has been monitoring compliance with all of these new requirements and has put in place completely new arrangements for complaints handling.

8.2.2 The new Suffolk Local Code of Conduct was adopted by all of the Suffolk local authorities (including all parish/town councils throughout the districts) and has been operational since 1 July 2012. Complaints under the Code are now dealt with by two separate systems.

8.2.3 Firstly, a complaint that a councillor has failed to register/declare a pecuniary interest or participated in council business despite having a pecuniary interest (without a dispensation) is handled by the Police as a potential criminal offence. We are not aware of any such complaints having been made against councillors in the Babergh or Mid Suffolk districts.

8.2.4 Secondly, all other complaints are handled under the Councils' adopted complaints procedure. In the first instance these complaints are assessed by the Monitoring Officer in consultation with an 'independent person' from our County wide pool of 'independent persons'. The assessment criteria set by the Joint Standards Committee is applied for these purposes. The 'independent person' gives a view on the complaint as a completely impartial member of the public and recommends whether any action should be taken. The streamlined system ensures that only the more serious complaints are investigated and in less serious cases other solutions are pursued which are proportionate to the complaint e.g. an apology, explanation, training. If a complaint appears to have no merit, is frivolous/repetitious/vexatious or minor, then it will be rejected. The overriding consideration is to ensure that whatever action is taken, if any, is in the public interest.

The Councils' complaints process has enabled complaints to be dealt with more quickly and without the need to convene meetings. Also councillors now receive a copy of a complaint against them at the outset and have opportunity to respond before any assessment is carried out. So far, 10 complaints have been assessed under the new system and none has warranted investigation.

8.2.5 Pending the establishment of a Suffolk Joint Standards Board between Babergh, Mid Suffolk and Suffolk County Council to determine complaints, the Joint Committee has remained responsible for dealing with final stage complaints which have been the subject of an investigation. The Committee has dealt with 3 complaints which were referred for investigation under the previous system. The Committee made 1 finding of no breach of the Code and findings of breach of the Code on 2 complaints against another parish councillor. The findings of breach were widely reported in the local media.

### 8.3 Complaints Received

8.3.1 The tables below set out the number of complaints dealt with in the past 12 months.

8.3.2 For 2012/13, Mid Suffolk has received 3 Code of Conduct complaints. In 2011/12 the figure was 7 and in 2010/11 it was 8.

8.3.3 For 2012/13, Babergh has received 12 Code of Conduct complaints. In 2011/12 the figure was 8 and in 2010/11 it was 3. Whilst the 2012/13 figure may appear high, it needs to be seen in the context that 10 of the complaints involve only 2 parish councils. It should also be noted that 7 of those complaints were against 1 parish council with no action found to be warranted in respect of a single complaint.

#### 8.3.4 **Mid Suffolk complaints:**

	Number	No action	Investigation	Other action
<b>District councillors</b>	1	1	-	-
<b>Parish councillors</b>	2	1	-	1 yet to be assessed

#### 8.3.5 **Babergh complaints:**

	Number	No action	Investigation	Other action
<b>District councillors</b>	1	1	-	All councillors to be recommended to retain notes of any difficult discussions
<b>Parish councillors</b>	11	8	3 investigations:- 1 - no breach (bullying) 1 - breach (bullying and disrespect) 1 – breach (disrepute)	-

## 9. **Appendices**

9.1 None

## 10. **Background Documents**

10.1 Complaint files

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