

# STANDARDS COMMITTEE

## Annual Report 2008/09

NOTE – NEW PHOTO WILL BE USED AFTER MEETING ON 26.3.09



## **1. Introduction**

This is the fourth Annual Report of Braintree District Council's Standards Committee and covers the period from 1 April 2008 to 31 March 2009. In reviewing the activities and looking back at issues highlighted in 2008/9, it also looks forward to next year.

## **2. Terms of Reference**

Article 9 and Part 3 of the Council's Constitution sets out the requirements for and composition of the Standards Committee. Its roles and functions are as follows:

1. To promote and maintain high ethical standards of conduct for elected and co-opted Members.
2. To help elected and co-opted Members to observe the Members' Code of Conduct.
3. To give the Council advice on adoption or revision of the Members' Code of Conduct and on informal codes/protocols covering matters such as planning and Member/officer relations.
4. To monitor the effectiveness of the Members' Code of Conduct.
5. To train or arrange training for elected and co-opted Members on matters relating to the Members' Code of Conduct.
6. To assess and review complaints that elected and co-opted Members have breached the Members' Code of Conduct and in connection with this function:
  - 6.1 To develop and adopt:
    - (a) Assessment Criteria for dealing with complaints;
    - (b) Policies for dealing with vexacious, persistent and anonymous complaints and requests by complainants for confidentiality;
    - (c) Arrangements for dealing with complaints and publicising the arrangements;
    - (d) Procedures for dealing with local investigations and
    - (e) Such other provisions and procedures as may be required.
  - 6.2 To establish and maintain the following 2 sub-committees each with their own terms of reference:
    - An Allegations Panel
    - An Allegations Appeals Panel

7. To conduct Hearings and make determinations in respect of complaints that elected and co-opted Members have breached the Members' Code of Conduct in accordance with relevant statutory requirements and guidance issued by the Standards Board for England and in connection with this function:
  - 7.1 To develop and adopt procedures for dealing with such Hearings; and
  - 7.2 To establish and maintain a Hearing Sub-Committee with its own terms of reference.
8. To grant dispensations to elected and co-opted Members with prejudicial interests.
9. To grant exemptions from politically restricted posts.
10. To maintain an overview of the Council's arrangements for dealing with complaints.
11. To undertaken the functions set out above in respect of all Parish Councils.

The Standards Committee exercises its statutory functions in relation to Braintree District Council and the 52 Parish and Town Councils in the district.

Part 5 of the Constitution contains various Codes and protocols relevant to the functions of the Committee and in respect of which the Committee has previously given advice and made recommendations. These are:

- Members Code of Conduct
- Code of Practice for Councillors and Officers Engaged in the Determination of Planning Applications
- Gifts and Hospitality – A Code of Conduct for Members
- Guidance for Members sitting on Outside Bodies
- Monitoring Officer Protocol

### **3. Composition**

Throughout 2008/09, the Committee has comprised:

<u>Independent Representatives</u>	<u>Parish Representatives</u>	<u>District Councillors</u>
Mr T Jones	Councillor W Fossick	Councillor J Finbow
Mr P Schwier (Chairman)	Councillor S Goodfellow	Councillor M Lynch
Mr C Webb (Vice-Chairman)	Councillor M Phillips	Councillor J O'Reilly-Cicconi
Ms H Paton		Councillor Lady Newton
Ms K Harman		

The main officer support for the Committee is provided by the Monitoring Officer (Sharon Lowe), the Deputy Monitoring Officer (Emma Wisbey) and officers from Law & Governance.

#### 4.1 Procedures – Local Assessment

Part 10 of the Local Government and Public Involvement in Health Act 2007 came into effect on 8<sup>th</sup> May 2008 and the responsibility for considering written allegations of misconduct passed from the Standards Board for England to local Standards Committees.

New processes were implemented and two new Sub-Committees were created: an Allegations Panel and an Allegations Appeals Panel. The Committee also adopted assessment criteria so that all allegations could be assessed consistently and fairly.

#### 4.2 Individual Cases – Local Statistics

The following table sets out the position in respect of those cases referred to the Allegations Panel for consideration between 1<sup>st</sup> April 2008 and 31<sup>st</sup> March 2009.

Ref	Member Type	Relevant Para of Code of Conduct	Decision
BDC001.08	District	Member with prejudicial interest failing to withdraw from meeting	Referred for investigation but complaint subsequently withdrawn
BDC002.08	District	Relevant paragraph could not be identified	No action
BDC003.08	Parish	Failure to treat others with respect Failure to declare interest	Referred to Monitoring Officer for action – training
BDC004.08	District	Failure to treat others with respect Breach of equality enactments	Referred to Monitoring Officer for action – request an apology
BDC005.08	District	Failure to treat others with respect Breach of equality enactments	No action
BDC006.08	District	Conduct that could be regarded as bringing the office or authority into disrepute	No action
BDC007.08	Town	Failure to declare interest	No action
BDC008.08	District	Improper use of position	Subject to a review

### **4.3 Publicity**

With the introduction of local assessment there was a need to ensure that the public were aware of the changes and in this respect notices were duly placed on the Council website and in the local press. A communication was also sent to all District, Town and Parish Councillors.

The pages on the Council's website have also been updated to assist members of the public who wish to make a complaint. The complaints form is available as a download and there is also information on the process and the work of the Standards Committee.

### **4.4 Town and Parish Councils**

Each year, the Committee conducts a checking process with Town and Parish Councils for compliance with the ethical framework. The process is timed so that each Town and Parish Council can place an item on the agenda for its Annual Meeting so that all Councillors can be:

- reminded of their obligations to observe the Code of Conduct;
- advised of their duty to register any interests required to be registered under the Code of Conduct;
- asked to review their respective Registers of Interests; and
- advised of their duty to provide written notification of any changes.

However, due to the introduction of the local assessment regime and the pressures on resource, the process was not initiated this year. Arrangements have been put in place to ensure that the checking process takes place at the appropriate time next year.

### **4.5 Training and Guidance**

The focus for training has been local assessment and during the year, the Committee was represented at the following events:-

12.5.2008	Joint Standards Committee Training on Local Assessment (Members of the Standards Committee, the Monitoring Officer and the Deputy Monitoring Officer)
13 & 14.10.2008	Seventh Annual Assembly of Standards Committees (Chairman, Independent Member, Deputy Monitoring Officer)
18.2.2009	Monitoring Officers Conference (Monitoring Officer)
05.03.2009	Probity in Public Life Seminar (Monitoring Officer and Deputy Monitoring Officer)

## **4.6 Dispensations**

The Code of Conduct for Members requires that a member who has a personal and prejudicial interest in a matter must disclose the existence and nature of that interest and withdraw from the meeting when the matter is considered. Section 81 of the Local Government Act 2000 and The Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002 (“the 2002 Regulations”) enable members of the District Council and of the Town and Parish Councils within the district to apply in writing to the Standards Committee for dispensation to allow them to take part in the discussion of an issue in respect of which they have an interest. The 2002 Regulations require that dispensations may only be granted where failure to do so would result in the transaction of business being impeded because more than 50 per cent of members entitled to participate in the consideration of the matter would be prohibited from doing so or, in the case of the District Council only, it would not be possible to comply with the political balance requirements under Section 15(4) of the Local Government and Housing Act 1989.

Since the 2002 Regulations came into force, there have been no requests made to the Standards Committee for dispensations.

## **5. Work Programme for 2009/10**

With the prospect of a revised Code of Conduct in 2009, the main focus will be on its adoption by the District Council and all Town and Parish Councils and training to ensure that the changes are effectively communicated and understood by all Councillors.

## **6. Conclusions**

The Committee has successfully implemented local assessment and is well placed to continue to promote, maintain and enhance good standards of conduct.

## Useful Links

If you would like to find out more about standards issues and the work of the Committee, as well as keep up to date with national issues, you may find the following links useful:

- ▶ **The Standards Board for England** (for guidance on standards issues, standards committees and outcomes of recent cases) – [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)
  
- ▶ **The Adjudication Panel for England** – [www.adjudicationpanel.co.uk](http://www.adjudicationpanel.co.uk)
  
- ▶ **The Audit Commission** – [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)
  
- ▶ **Department for Communities and Local Government** – [www.dclg.gov.uk](http://www.dclg.gov.uk)
  
- ▶ **Braintree District Council Standards Committee** – [www.braintree.gov.uk/Braintree/councildemocracy/committees/Standards Committee/default.htm](http://www.braintree.gov.uk/Braintree/councildemocracy/committees/Standards%20Committee/default.htm)
  
- ▶ **National Association of Local Councils** – [www.nalc.co.uk](http://www.nalc.co.uk)
  
- ▶ **Essex Association of Local Councils** – [www.essexinfo.net/essex-association-of-local-councils](http://www.essexinfo.net/essex-association-of-local-councils)
  
- ▶ **Association for Independent Members of Standards Committees in England**  
- [www.aimsce.org.uk](http://www.aimsce.org.uk)