

BRAINTREE DISTRICT COUNCIL

STANDARDS COMMITTEE

Annual Report

2006/7

1. Introduction

This is the second Annual Report of Braintree District Council's Standards Committee and covers the period from 1 April 2006 to 31 March 2007. In reviewing the activities and looking back at issues highlighted in 2006/7, 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:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted members;
- (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards officer appointed by the Standards Board for England to the Monitoring Officer;
- (h) the exercise of (a) to (g) above in relation to Parish and Town Councils wholly or mainly in its area and the Members of those Parish and Town Councils;
- (i) to act as consultee (if required) in the appointment of members of the Independent Remuneration Panel;
- (j) the Chairman of the Standards Committee shall be consulted on any proposal to terminate the membership of any member of the Independent Remuneration Panel.

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.

3. Composition

Throughout 2006/07, the Committee has comprised:

<u>Independent Representatives</u>	<u>Parish Representatives</u>	<u>District Councillors</u>
Mr T French (Chairman)	Councillor W Fossick	Councillor P Barlow
Mr T Jones	Councillor S Goodfellow	Councillor Mrs J C Beavis
Mr P Schwier (Vice-Chairman)		Councillor J Finbow
Mr C Webb		

The main officer support for the Committee is provided by the Monitoring Officer (Patrick Dempsey), the Deputy Monitoring Officer (Sharon Lowe) and the Senior Democratic Services Officer (Melanie Phillips).

4.1 **Procedures – Cases Referred by Ethical Standards Officers**

Section 66 of the Local Government Act 2000 provides for the local investigation and/or determination of cases referred to Standards Committees by Ethical Standards Officers appointed by the Standards Board for England (SBE).

One investigation of a complaint has been referred to the Monitoring Officer during the year.

4.2 **Individual Cases – Local Statistics**

The following table sets out the position in respect of those cases referred to the Standards Board for England or determined between 1st April 2006 and 31st March 2007. The figures shown are for District Councillors. The figures in brackets are for Town and Parish Councillors.

Outcome/Current Position	Cases referred to SBE during 2006/07	Cases referred to SBE in previous years but determined in 2006/07
Not referred for investigation	1(4)	0(0)
No evidence of breach of Code of Conduct	0(0)	0(0)
No action need be taken	0(0)	0(0)
Referred to Standards Committee for determination	0(0)	0(0)
Still under investigation	1(0)	0(0)

4.3 Town and Parish Councils

Each year, the Committee conducts a checking process with Town and Parish Councils for compliance with the ethical framework. This year's process asked each Town and Parish Council to place an item on the agenda for its Annual Meeting and confirm that all Councillors were:

- 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.

We are pleased to report that, as in previous years, all 52 town and parish councils within the District co-operated with the process and gave the requested confirmation.

In last year's Annual Report, we expressed concern about adequate training on the Code of Conduct being provided to 439 town and parish councilors who make up the 52 town and parish councils in the district. The Committee met with the Chief Executive Officer of the Essex Association of Local Councils (EALC) and a member of the Executive Committee of the Braintree Association of Local Councils (BALC) on 7 December 2006 to discuss this issue. Both EALC and BALC agreed to support the delivery of training to Town and Parish Councils as part of the Member induction programme following the election of the new Council on 3 May 2007. More details are contained in paragraph 4.7.2 of this Report.

4.4 Ethical Governance Audit

The Committee worked jointly with the Audit Panel in conducting an ethical governance audit. Questionnaires were issued to both officers and Members to establish awareness of ethical governance issues. There were 27 responses from Members providing a response rate of 45%. The survey identified:-

- Members reluctance to report other Members to the Standards Board for England where they become aware of breaches of the Code of Conduct. Whilst it is believed that the relevant part of the Code will be amended, the duty on a Member, "if he/she becomes aware of any conduct by another member which he/she reasonably believes involves a failure to comply with the authority's code of conduct, [to] make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him/her to do so" is still currently in force.
- the need for guidance setting out the responsibilities of Members appointed as Council representatives on external bodies.
- that some Members may be failing to keep their Registers of Interests up to date. Members will be given more guidance on this.
- the need for further guidance to Members, when they have prejudicial interests, about the requirement in paragraph 12(1)(c) of the Code of Conduct to "not seek improperly to influence a decision about [the] matter".

These issues will be dealt with either as part of the Committee's Work Programme or as part of future Member training.

4.5 Review of Investigation and Hearing Processes

The Committee conducted a review of its currently approved procedures. The Committee had previously conducted a Hearing in May 2004 in accordance with the relevant procedure. As there have been no referrals of any investigations these procedures remain to be tested. However, they do follow Standards Board for England guidance. We agreed that no amendments to the procedures are necessary at this time.

4.6 Independent Members Forum and Association of Independent Members of Standards Committees (AIMSce)

In June, the independent members of the Committee were invited to join a Forum with representatives from Castle Point, Rochford, Maldon and Basildon. Its purpose is to enable independent members from neighbouring Councils in Essex to come together on a regular basis to share experiences and build up a network. The Chairman and the Monitoring Officer attended a mock hearing for the Forum at Castle Point on 13 July. The Chairman attended further meetings on 3 October 2006 and 15 March 2007.

The Chairman attended the inaugural meeting of AIMSce which was held as a fringe event at the Fifth Annual Assembly of Standards Committees in Birmingham on 16 October. This is a newly formed national body whose aim is to provide peer group support, champion the role of independent members and represent their interests. However, at its meeting on 7 December 2006, the Committee decided not to subscribe to AIMSce on the basis that the independent members wished to remain independent of any national organisation.

4.7 Training and Guidance

4.7.1 During the year, the Committee was represented at the following events:-

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| 13.7.2006 | - | Essex Independent Members Forum and mock hearing (Chairman and Monitoring Officer) |
| 3.10.2006 | - | Essex Independent Members Forum (Chairman) |
| 9.10.2006 | - | Presentation to The Henny's, Middleton and Twinstead Parish Council on the Code of Conduct (Chairman and Monitoring Officer) |
| 16 & 17.10.2006 | - | Fifth Annual Assembly of Standards Committees (Chairman, Monitoring Officer and Deputy Monitoring Officer) |
| 16.10.2006 | - | Inaugural meeting of the Association of Independent Members of Standards Committees (Chairman) |
| 15.3.2007 | - | Essex Independent Members Forum (Chairman). |

In addition, the Monitoring Officer provided guidance to Members in relation to standards issues which arose during the year. These issues generally arise because a particular subject is coming before Council or a Committee for decision and members request guidance on personal and prejudicial interests.

- 4.7.2 At its meeting on 19 February 2007, the Council accepted a Standards Committee recommendation that, following the elections on 3 May 2007, every elected Member must receive training on the Code of Conduct (including training on the issues of pre-determination and bias) before 3 August 2007. Any Member who does not receive such training will not, after this date, be able to participate in any quasi-judicial function, including the consideration of any planning or licensing application, until such training has been received. The Committee, in formulating its recommendation, considered that the question of training on some issues, particularly the Code of Conduct and issues surrounding pre-determination and bias, was too important to leave to the discretion of individual members. Pre-determination and bias has been the subject of a number of legal challenges recently and training about it is increasingly important to Councillors involved in quasi-judicial functions.

To ensure that training is available and accessible to all elected Members within the above timescale, training sessions will be delivered as part of the Member Welcome Conference on 12 May and at a further session on 11 July. In addition, three further sessions will be held across the district in June and July, one in the Braintree Area (day time), the second in the Halstead Area (evening) and the third in the Witham Area (evening). These sessions will be made available for those Town and Parish Councils who wish to do so, to send representatives also.

4.8 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.

4.9 Review of the Members Code of Conduct

On 26 October 2006, the government published its White Paper, *Strong and Prosperous Communities*. The proposals in it include:-

- legislating for a more locally based member conduct regime with a streamlined Standards Board, acting as a ‘lighter touch’ regulator;

- issuing a revised model code of conduct.

Consultation on a revised model Code of Conduct for local authority members commenced on 22 January 2007 and closed on 9 March. As at 31 March 2007, a revised Code of Conduct remains to be laid before Parliament.

5. Work Programme for 2007/8

The main focus of the Committee in the coming year will be on:-

- considering and advising the Council on the adoption of the expected revised Code of Conduct;
- advising and training Councillors on matters relating to the Code of Conduct as part of the Member Induction programme;
- extending an invitation to training to all Town and Parish Councils in the district.

The work programme will also include the following issues:-

- Town and Parish Councillors Registers of Interests – compliance by Town and Parish Councillors following elections on 3 May 2007.
- Guidance for Members setting out their responsibilities when appointed as Council representatives on external bodies.
- Role of Standards Committee in the more locally based member conduct regime envisaged by the White Paper referred to in paragraph 4.9 of this Report and the resulting Local Government and Public Involvement in Health Bill currently before Parliament.
- Role of the Standards Committee in Corporate Governance.
- Re-advertisement and appointment of independent members of the Standards Committee. The four year terms of office of the four current independent members of the Committee expire on 7 October 2007. The vacancies will be advertised with a view to new appointments taking effect on 8 October 2007.

6. Conclusions

The Committee continues to pursue the enhancement of sound ethical standards within Braintree District Council and Parish and Town Councils. It is pleasing to note that the Council has a good record in ensuring good standards of conduct. The Committee members are committed to continuing their work to maintain this record.

Tony French (Chairman)
 District Councillor Philip Barlow
 District Councillor Joanne Beavis
 District Councillor John Finbow
 Parish Councillor William Fossick

Town Councillor Steven Goodfellow
 Trefor Jones
 Peter Schwier (Vice-Chairman)
 Christopher Webb

BRAINTREE DISTRICT COUNCIL STANDARDS COMMITTEE Members 2006/07

Independent Representatives

Tony French
Chairman



Peter Schwier



Trefor Jones



Chris Webb



Parish Council Representatives

William Fossick



Steven Goodfellow



District Council Representatives

Joanne Beavis



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John Finbow

