

Annual Report to Full Council

Uttlesford District Council's Standards Committee 2012-2013

Background

Prior to the 1 July 2012 the council had a Standards Committee appointed under the Local Government Act 2000. That committee was required to have at least one independent person and at least one representative of town and parish councils. Independent persons were required to constitute at least 25% of the committee. Under the council's then Constitution, the Standards Committee comprised of 10 members, four being elected members of the council, three being independent persons and three representatives of town and parish councils. The committee was chaired by an independent person.

The Localism Act 2011 abolished the requirement to appoint Standards Committees. Whilst local councils were entitled to appoint Standards Committees, they would have to do so under the provisions of the Local Government Act 1972. There is a requirement that such committees should be politically balanced. However, the rules of political balance do not apply if no member present at a meeting where the political balance of the council is considered objects to departure from that principle. The council's Constitution recognises this fact and provides that whilst acknowledging the requirement for political balance if a member does object the preferred option of the council is that the political groups on the council should be represented equally.

The 2011 Act also changed the role of the independent person. Prior to 1 July 2012, independent persons were voting members of the Standards Committee and the committee had to be chaired by an independent person. Under the Localism Act 2011, independent persons may not be voting members of the committee and it follows therefore that an independent person cannot chair the committee because a chairman must have at least a casting vote.

Composition

The Standards Committee comprises nine members. Six of these are elected members of the council, two from each of the groups represented on the council. The remaining three are non-voting independent persons. The committee is supported by the Assistant Chief Executive – Legal and Monitoring Officer, Mr Michael Perry.

Meetings during the year

The committee met on five occasions during the course of the year. Three of these were scheduled meetings. The other two meetings were to deal with reports following an investigation into allegations that a member had breached the Code of Conduct. The first of these disciplinary hearings was carried out under transitional arrangements the complaint having been made before the Localism Act 2011 came into effect but the matter coming before the committee after the operative date. With regard to both disciplinary matters the finding of the committee was that there had been no breach of the Code of Conduct.

Actions undertaken by the Standards Committee

At its first meeting in July 2012, the committee decided that it would be appropriate to review all existing Codes of Practice, Protocols, Guidance and Procedures to ensure consistency with the Localism Act 2011 and also the change in governance arrangements from alternative arrangements to an executive style of administration. Two sub-committees were appointed for this purpose. These sub-committees reported back to the main committee in October 2012 resulting in amendments being proposed to the Codes of Practice: Probity in Planning and Probity in Licensing which were subsequently adopted by Full Council. The committee also issued guidance with regard to the Code of Conduct which was circulated to all members of the council, town and parish councils and is published on the council's website. The committee also suggested amendments to the Code of Conduct to ensure compliance with the Local Authority's (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which again was subsequently adopted by Full Council. At its final meeting in the last council year on the 4 March 2013, the committee set in motion procedures to deal with the Protocols, Guidance and Procedures which had not at that stage been reviewed and considered whether any amendments to the Code of Conduct may be desirable in the light of a letter from the Department of Communities and Local Government to council leaders dated 19 November 2012 (concluding that the Code should not be amended). The committee also reviewed how the new arrangements for dealing with allegations of breaches of the Code of Conduct were operating in practice.

Complaints Received

One of the advantages of the flexibility contained in the Localism Act 2011 is that councils may determine their own procedures for vetting complaints. Under this council's procedures the decision as to whether a complaint should be investigated or not is taken by the Monitoring Officer in consultation with one of the independent persons. In the period from the 1 July 2012 to the 31 March 2013, four complaints were received, three of which were against district councillors and one against a parish councillor. Following discussion between the Monitoring Officer and an independent person no action was considered necessary in any of these cases.

Future Action

For the remainder of the year the Standards Committee will continue to review protocols and procedures with a view to making recommendations where appropriate. The Committee also intend following up work previously done with parish councils to ascertain what arrangements they have in place regarding a Code of Conduct. At present out of 53 parish and town councils in the district 16 have not indicated to the Monitoring Officer whether they have adopted the Uttlesford Code of Conduct, whether they have adopted another Code of Conduct or whether (contrary to the legislative requirement) they have not adopted a Code of Conduct at all. Finally the Committee wishes to consider what training can be provided to parish councils to ensure that there is awareness of the Code and the requirements of the legislation.