

**Lead Officer's Report
Standards Committee, item 4**

Committee: STANDARDS COMMITTEE **Agenda Item**
Date: 17 SEPTEMBER 2007 **4**
Title: LEAD OFFICER'S REPORT
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Summary

- 1. This is a general report on information items which do not appear on the agenda.

Recommendations

- 2. That the report be noted.

Background Papers

- 3. None.

Impact

- 4.

Communication/Consultation	None
Community Safety	None
Equalities	None
Finance	None
Human Rights	None
Legal implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

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Complaints to the Standards Board

A member of the public has made a complaint to the Standards Board for England against 4 Councillors from one parish within the District. The complaint concerned a meeting of the Parish Council which the complainant attended. He stated that the clerk spoke at some length and because she is softly spoken he was unable to hear what was said. She did not use a microphone although there is one available in the hall where the meeting took place. The complainant had previously written to the Chairman of the Council asking him to ensure that proceedings were audible.

The Standards Board took a view that whilst the Parish Council had a duty to make reasonable adjustments to permit those with disabilities to attend meetings the complainant has not specified what his disability was or what steps could be taken to assist in his letter to the Chairman of the Council. On the evidence supplied no potential breach of the code had occurred and the matter was not therefore passed for investigation. The complainant has a right to seek a review of the decision.

Matters arising from the Adjudication Panel for England

The number of cases dealt with by the Adjudication Panel continues to be low with only ten cases being dealt with between 1 January and 31 July of which six were appeals against decisions of Standards Committees. In four cases the Adjudication Panel upheld the decision of the Committee fully (although in one case with expressed reluctance as the Panel gave serious consideration as to whether the sanction should be increased. In one case the Panel upheld a finding of breach of the code at parish level but quashed a finding that the breach also occurred at district level (being influenced by the *Livingstone* case).

The most recently reported case does highlight an important matter for the Committee and myself when considering referrals. Cllr Higgenbottom of Great Hanwood Parish Council appealed against a decision of the Shrewsbury and Atcham District Council Standards Committee that he had breached the code by failing to register his interest as a member of the Campaign for an English Parliament (CEP). The reference to the Monitoring Officer was that Cllr Higgenbottom had failed to register his role as branch co-ordinator of CEP. The Monitoring Officer found that Cllr Higgenbottom was a member of CEP (which had not been registered), that he was the local branch co-ordinator but that this role did not put him in a position of general control and management. The role of branch co-ordinator did not therefore require separate registration. However he reported to the Standards Committee that there had been a breach arising from failing to register his membership of a body which had the purpose of influencing public opinion.

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The Committee determined that there had been a breach of the code on that basis. The appeal was successful because the finding was made on the basis of a breach which had not been referred for investigation even though it was clear that there had been a breach. It follows from this that unless and until the power to vet complaints and refer them for local investigation is transferred or delegated to Standards Committees all investigations and findings must be strictly limited to the terms of reference received from the Ethical Standards Officer. Subject to how the legislation is ultimately framed it is also probable that where the Standards Committee pass a complaint for investigation, if other matters emerge during the course of the investigation those matters will have to be referred back to the Committee to consider whether they should be investigated also.

Risk Analysis

There are no risks associated with this report.