

Committee: STANDARDS

Agenda Item

Date: November 12, 2007

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Title: LEAD OFFICER'S REPORT

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Item for information

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. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author.
 - 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

Complaints to the Standard Board

5. A member of the District Council reported himself to the Standards Board for England on the basis that he had failed to declare a personal interest. The member was not a member of the committee concerned but nevertheless attended the meeting and addressed the committee. He therefore had an obligation to declare the nature and existence of the interest when the matter came up for consideration. The Standards Board noted that the member concerned was aware of the provisions of the Code and had indeed complied with it by declaring the particular interest in the past. On this occasion the failure to declare was an oversight. In the circumstances, the Standards Board have decided that the conduct is not serious enough to justify an investigation and the matter is not therefore being referred to an Ethical Standards Officer. As the complainant was the member concerned it is considered unlikely that there will be an application for the decision of the Standards Board to be reviewed.

Matters arising from the adjudication panel

6. There has been one reported case on the Adjudication Panel's website since the last meeting of this Committee. The case involves a councillor who put pressure upon a colleague to vote in a certain way on a planning application. In applying such pressure, the councillor used bad language and threatened to have his colleague de-selected if he did not vote as asked. The councillor was in fact later de-selected although the Adjudication Panel did not make any finding as to what part (if any) the subject member took in the de-selection process. Applying pressure on a colleague to vote in a certain way on a planning application breaches the ACSeS Model Members Planning Code of Good Practice. Although the authority concerned had adopted that Code it did not form part of the council's Code of Conduct. Nevertheless the Adjudication Panel found that breach of the ACSeS Code did in this case amount to a breach of the Code of Conduct by bringing the office of councillor into disrepute. Whatever part the subject councillor may have played in the de-selection process the Adjudication Panel found that he would not have been acting in an official capacity in that process and that the Code of Conduct would not therefore have applied. The subject member was suspended for a period of one month. Following a recommendation by this Committee, when adopting its Code of Conduct, Full Council included a provision incorporating protocols in the Code of Conduct by reference in order to ensure clarity.

Matters arising from the Annual Assembly of Standards Committees

7. At the last meeting Members asked me to take three issues to the Assembly for clarification. Unfortunately there was not a suitable forum for these to be raised and I therefore left the questions to be answered in writing. The questions and answers were as follows:-

"The guidance as to who is a member of the family repeats the former statutory definition of relative. If the government had intended the meaning to be the same why was the terminology changed and the definition deleted?"

"One of the issues which emerged during the consultation carried out by the government on the review of the code was the need to simplify the code by removing certain definitions and leaving some expressions to be dealt with by guidance .This was an area which fell to be dealt with in this way"

"In the light of the decision in Higgenbottom will the Standards Board be lobbying government to include a provision enabling monitoring officers to investigate other potential breaches of the code uncovered during an investigation rather than requiring a fresh complaint to be made?"

"It has generally been the case (as reflected in the government's stance) that an assessment process dealing with a complaint is kept separate from the investigation process hence the current legislation in the LGA 2000 .The ESO does have a remit to widen an investigation but the statute and the regulations never gave that power to an MO when local investigations were possible hence the APE decision in Shrewsbury and Atcham .Coupled with the stance taken by the government that standards committees and not MOs should assess complaints the new bill, which we understand will shortly have final parliamentary approval , maintains the distinction and there is no intention to change this position ."

A further question was asked at the request of another Member of the Council.

"Has the Board any views on the application of the party whip on matters before the scrutiny committee (particularly in councils operating alternative arrangements) bearing in mind the requirement for scrutiny committees to be politically balanced?"

"We have no particular view in so far as the operation of the code is concerned .To the extent that there may be a wider ethical governance issue I can consult with my policy colleagues and I would happy to consider particular scenarios if that would help ."

The answers are not particularly helpful. I am following up on the third question with the Board. A full report on the Assembly appears later in the agenda.

Risk Analysis

8. There are no risks associated with this report.