

Annual Report to Full Council

Uttlesford District Council's Standards Committee 2013-14

Background

The new standards regime under the Localism Act 2011 came into force on the 1 July 2012. The council appointed a Standards Committee with effect from that date which comprised nine members, two from each of the political groups on the council and three independent persons who are non-voting members. Independent persons are debarred from being voting members of the committee by virtue of the provisions of the Act. They do nevertheless take an active part in meetings and their input is highly valued by their elected colleagues and the Monitoring Officer.

Role of the Independent Members

In addition to taking part in committee meetings, the independent persons fulfil three functions. In the first instances, when a complaint of a breach of the Code of Conduct has been received one of the independent persons works with the Monitoring Officer in considering the complaint and determining whether it merits an investigation under the council's published criteria. The council has a statutory duty to make an independent person available to give his or her views to a member who is the subject of a complaint. Finally if following an investigation there is a finding of a breach of the Code of Conduct the matter must be considered by the Standards Committee and an independent person is required to give the committee his or her views on the investigating officer's report. When a complaint is received, each independent person is allocated one of these roles and the roles are rotated to ensure that the independent persons all gain experience of each of these functions.

Meetings during the year

The committee met on four occasions during the course of the year. Three of these were scheduled meetings. The fourth was an extraordinary meeting to consider a report that a member of the council had breached the authority's Code of Conduct. The committee upheld the finding of the investigating officer that there had been a breach of the Code but considered that a further breach was not likely to take place and that no action was therefore required. However, arising from the facts of this case the committee decided to consider whether to make recommendations to Full Council regarding the call-in procedure for planning applications.

Actions undertaken by the Standards Committee

In 2012/13 the Standards Committee decided to review the council's protocols, guidance and procedures relating to standards matters in the light of the new standards regime. That work was completed in 2013/14 with proposals for updating of various protocols, guidance and procedures being recommended to Full Council and these were subsequently agreed. The committee also revised its procedures for dealing with complaints. When the complaints procedure was first adopted it

provided that where a complaint had been passed for investigation and there was a finding that there was no breach of the Code of Conduct the report of the investigating officer had to be formally considered by the Standards committee to ratify that finding. This mirrored the procedure under the pre-Localism Act regime. However, as there had not been an occasion when the recommendation of the investigating officer had not been accepted in this respect, members considered that the resources required for a meeting were unnecessary. The revised procedure therefore is that when following an investigation there is a finding of no breach of the Code of Conduct the report is circulated to all members of the Standards Committee. Any member of the Standards Committee (including the independent members) may request the Monitoring Officer to arrange a hearing to consider the report. If no such request is made within 10 working days of the report being circulated then the decision stands.

The committee also considered the practice relating to call-in of planning applications and recommended to Full Council a protocol for call-ins. This was subsequently adopted by Full Council. The committee considered a New Model Guide of Probity in Planning and a suggested Plain English Code of Conduct issued by the government. Having considered both of these documents the Standards Committee decided not to make any recommendations to Full Council arising therefrom.

Complaints received

In the period from 1 April 2013 to 31 March 2014 there were six allegations received of a breach of the Code of Conduct. Two of these were against parish councillors and four against district councillors. One complaint against a parish councillor and one complaint against a district councillor were made by members of the public. The other four complaints were made by district councillors. One complaint against a parish councillor and two complaints against district councillors were passed for investigation. In one case (referred to above) a district councillor was found to have breach the council's Code of Conduct but the committee decided that no action was necessary. In the other two cases no breach of the Code was found to have occurred.

Future actions