

Committee: STANDARDS

Agenda Item

Date: 9 March 2015

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Title: ANNUAL REPORT TO FULL COUNCIL

**Author: Michael Perry, Assistant Chief Executive
Legal, 01799 510416**

Item for decision

Summary

1. It is considered good practice that the Standards Committee should make a report on an annual basis to Full Council. This report is to seek members' approval as to this year's annual report to be presented to Full Council.

Recommendations

2. That members approve the draft report (attached) for presentation to Full Council by the Chairman of the Standards Committee.

Financial Implications

3. None.

Background Papers

4. None.

Impact

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Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. The draft annual report explains the composition of the Standards Committee and details the work undertaken by the Committee during the past year.

Risk Analysis

7. There are no risks attached to this report.

Annual Report to Full Council Uttlesford District Council's Standards Committee 2014-15

Background

It is now almost 3 years since the standards regime under the Localism Act 2011 came into force. Functions under the Act cannot be executive functions and the Council therefore appointed a Standards Committee to be responsible for standards. As the 2011 Act contains no power to appoint a Standards Committee the Committee is appointed under the Local Government 1972. Committees appointed under the 1972 Act should be politically balanced. The Council has operated a policy of appointing 2 members from each political group plus 3 independent members. Any member of the Council present when the Committee is appointed may effectively veto this arrangement and require the Committee to be politically balanced. It is to the credit of members that this has not happened ensuring that the Committee is free from any perception of political control.

Independent Members

When the Localism Act became effective the Council appointed 3 independent members. One resigned after 2 years in office as he moved to another part of the country. Another has indicated that he will not seek re-appointment. Following a recruitment exercise the Council has appointed 2 new members to join the Committee with immediate effect and the Committee look forward to working with them and the remaining independent person who has agreed to be re-appointed.

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 five occasions during the course of the year. Three of these were scheduled meetings. The other two were extraordinary meetings to consider reports that members of two parish councils had breached the authority's Code of Conduct. The committee upheld the findings of the investigating officer that there had been a breach of the Code in each case but considered that a further breach was not likely to take place and that no action was therefore required.

Actions undertaken by the Standards Committee

The Standards Committee reviewed the Code of Conduct in the light of developments since the 2011 Act became law but decided that it was working well and that it did not wish to recommend any changes to the Council at present. The Committee also reviewed the procedure for dealing with complaints and a number of amendments were made. The current procedure is available on the Council's website.

When following an investigating there is a finding of no breach of the Code of Conduct a 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. This procedure has been working well with no call-ins to date.

Complaints received

In the period from 1 April 2014 to 31 March 2015 there were twenty two allegations received of a breach of the Code of Conduct compared to six in the previous twelve months. Fifteen councillors were the subject of these complaints. Two of these were against parish or town councillors and thirteen against district councillors. One complaint against a parish councillor was made by a fellow councillor; the other was made by the clerk. Fifteen complaints against district councillors were made by members of the public. Four complaints were made by fellow councillors and one by an officer. Two complaints against a parish and town councillors and five complaints against district councillors were passed for investigation. In one case a parish councillor was found to have breach the council's Code of Conduct but the committee decided that no action was necessary. None of the concluded cases involving district councillors led to a finding of a breach of the Code. Two investigations are pending (one against a town councillor the other against a district councillor).

Future actions

With the elections just having taken place the Committee's emphasis for the immediate future is upon training, particularly for new district, parish and town councillors.