

Committee: STANDARDS

Agenda Item

Date: 9 March 2015

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Title: MONITORING OFFICER'S UPDATE

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Item for information

Summary

1. This report is to update members on standards issues since the last meeting of this committee.

Recommendations

2. That members note this report.

Financial Implications

3. None.

Background Papers

4. None.

Impact

- 5.

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. Following the resignation of one of the independent members of the Standards Committee and an indication from one of the two remaining independent members that he would not seek re-appointment, on the 21 October 2015 the council appointed a committee to undertake a recruitment exercise for two new members of the committee and to make recommendations as to appointment to Full Council in due course.
7. The committee met on three occasions on 8 December 2014, the 6 February 2015 and the 18 February 2015.
8. The first meeting considered the job description and person specification, considered questions to be asked of candidates at interview and determined an advertising strategy to encourage applications.
9. The vacancies were publicised on the council's website shortly after the December meeting. A press release was issued at the same time. The vacancies were also advertised in all local newspapers circulating in the area in January 2015.
10. The website notice and press release produced little interest. Only one enquiry was received as a result of that exercise. The newspaper advertisements were far more successful. Twenty-three expressions of interest were received and the job description/person specification and application forms were despatched. Seven applications were received. Of those who enquired but did not apply three were disqualified from applying as having been members of councils within the previous five years or being married to a parish councillor. One person did not apply for health reasons. Another was unable to attend meetings during the day time. Another decided he felt that he did not meet the education levels required even though no education levels were specified.
11. At its meeting on the 6 February 2015 members considered the seven application forms received and decided to invite five of the candidates for interview. All five did attend and were interviewed on the 18 February. The quality of the candidates was very high and at the conclusion of the interviews the committee decided to recommend to Full Council that they should appoint Mrs Catherine Wellingbrook-Doswell and Mr David Pearl as the independent members of the Standards Committee. Council confirmed that appointment at its meeting on the 26 February.
12. At the meeting of this committee on the 13 October 2014, I reported back on a Monitoring Officers' Conference I had attended. I informed members that the view of the speakers was that a prosecution for failing to register or declare disclosable pecuniary interests or for taking part in a meeting where disclosable pecuniary interests exist were unlikely ever to take place. Very shortly after that meeting charges were brought against a county councillor for failing to declare disclosable pecuniary interests as a non-executive director of two companies and by participating and voting in matters in which those companies had an interest. The councillor concerned has pleaded not guilty to the charges and a trial has been set for the 24 April 2015. This is believed to be the first prosecution of its type under the Localism Act 2015. Members will recall that prosecutions for these offences must be authorised by the DPP. The DPP considered in this case the public interest justified a prosecution.

13. Further to the October meeting the chairman of the Standards Committee responded to correspondence received from Debden Parish Council in accordance with the views expressed by the committee. No reply has been received. The councillor who was the subject of that complaint however did complain to the Local Government Ombudsman regarding the way in which his complaint was dealt with. The Local Government Ombudsman has carried out an investigation and has expressed a provisional view that the council did deal with the complaint properly. Both parties have been given the opportunity to comment upon the Ombudsman's provisional findings and a final decision is expected shortly.
14. The Draft Protocol between Essex Police and local authorities has now been agreed by most councils in the county. The only councils who have not agreed to sign the same are Essex County Council and ourselves. For the reasons reported to members at the last meeting, I still consider the protocol to be unnecessary and inappropriate.
15. Members will note from a further report on this agenda that during the 1 April 2014 to the date of preparation of the report, 22 allegations were received of a breach of the Code of Conduct. Nine of those were received since the last meeting of this committee and six complaints have been received in this calendar year. Because of the protocol surrounding the pre-election period any investigations which are commenced and are ongoing at the end of March will need to be placed in abeyance until after the elections have been concluded. Members may be interested to know that in one complaint, a request was made for anonymity. The independent person and I considered that this request should be granted until such time as a decision had been taken as to whether the complaint should be investigated as the complainant was an employee of the council concerned. However, it would not have been possible to investigate the complaint without identifying the complainant. Having taken a decision to investigate subject to the complainant being identified, the complainant gave his consent and the investigation is now underway.
16. I have discovered that Saffron Walden Town Council has abandoned Uttlesford District Council's Code of Conduct and adopted a code of its own. This of course they are entitled to do but I can find no evidence from the minutes of the town council meetings that the council has complied with its statutory duty under s.28(1) Localism Act 2011 to secure that its code when viewed as a whole is consistent with the principles set out in that sub-section. I have drawn this shortcoming to the attention of the locum Town Clerk. The town council has also decided that in future it will deal with its own requests for dispensations revoking the delegation of authority to this council to deal with dispensations on its behalf.

Risk Analysis

17. There are no risks associated with this report.