



Standards Committee – Draft Annual Report

Report by the Executive Head of Legal and Democratic Services

1.0 Summary

1.1 To agree an annual report for the Standards Committee.

2.0 Background

2.1 The Committee is expected to produce an annual report setting out the main work of the Committee for the period 1st May to 30th April.

2.2. Set out in Annex 1 is a draft annual report for consideration by the Committee. This report has been produced by the Chairman of the Committee and the Monitoring Officer.

2.3 Committee is invited to consider the draft annual report of the Standards Committee and make any amendments.

3.0 Proposals

3.1 That the Committee consider the draft annual report of the Standards Committee and agree any amendments.

3.2 That the Committee recommend the annual report, as amended, to Council for adoption.

4.0 Legal

4.1 Section 54 of the Local Government Act, 2000 provides that the general functions of a standards committee of a relevant authority are:

- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and
- (b) assisting members and co-opted members of the authority to observe the authority's code of conduct

This would include the adopting, reviewing and amending of codes of good practice and other guidance.

5.0 Financial implications

5.1 There are no specific financial implications arising out of the recommendations in this report.

6.0 Recommendations

6.1 That the Committee consider the draft annual report of the Standards Committee and agree any amendments.

6.2 That the Committee recommend the annual report, as amended, to Council for adoption.

Local Government Act 1972

Background Papers:

Agenda, minutes and Reports of the Standards Committee:
7 July 2008; 13 October 2008 and 8 December 2008

Contact Officer:

Jeremy Cook
Executive Head of Legal and Democratic Services
Worthing Town Hall
01903 221028
jeremy.cook@worthing.gov.uk

Schedule of other matters

1.0 Council Priority

1.1 Matter considered and no issues identified.

2.0 Specific Action Plans

2.1 **(A)** Matter considered and no issues identified.

(B) Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 The proposals do not impinge on anybody's Human Rights.

7.0 Reputation

7.1 The conduct of Members does have an impact on the reputation of the Council. It is therefore beneficial for there to be clear rules setting out the expectations relating to Members' conduct.

8.0 Consultations

8.1 There has been no consultation with Unison or other stakeholders. The report proposes consultation with other committees.

9.0 Risk assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership working

12.1 Matter considered and no issues identified.

Draft Annual Report of the Adur District Council's Standards Committee 2008/09

1.0 Introduction

- 1.1 This report covers the period from 1st May, 2008 to 30th April, 2009.
- 1.2 It has been another busy year for the Standards Committee, with the introduction of a new system, whereby complaints about Member conduct are initially made to and considered by the Standards Committee. This has required the establishment of two sub-committees which have the following roles:
- a. The Assessment Sub-Committee has the role of assessing the initial complaint and determining whether any further investigation should take place or alternative action by the monitoring officer, or no further action.
 - b. The Review Sub-Committee has the role, if the Assessment Sub-Committee has determined that no further action should be taken and the complainant has appealed, to consider the complaint and determine whether any further investigation should take place or alternative action by the monitoring officer, or no further action.
- 1.3 The new system has led to the expansion of the Standards Committee to include two additional independent members due to the requirement that each sub-committee is to be chaired by an independent member. The recruitment process for these positions is due to be completed in time for the new municipal year.
- 1.4 The Committee has a work programme (details in paragraph 3) and it has managed to complete the majority of actions.

2.0 Specific matters

- 2.1 In July, 2008 the Committee agreed the process for the local assessment of complaints, including the sub-committees, the details of the complaint form and the publicity that would be given on the web-site and in the local press.
- 2.2 A process for appointing the members to sub-committees was agreed in October 2008.
- 2.3 The Committee agreed some amendments to the Code of Conduct specifically in relation to the move to Cabinet and Leader, other additions to the code are mentioned in paragraph 2.8
- 2.4 The Committee undertook a review of Guidance issued to Members in relation to Development Control and Licensing matters for inclusion in the Constitution and to assist Members in their various roles.
- 2.5 The Committee also considered a new Members Register of Interests Form which will be used from May 2010.

- 2.6 A process for granting of dispensations was agreed, including a process for urgent applications.
- 2.7 The Committee responded to the latest government consultation on the Members Code of Conduct; it was submitted to the Department of Communities and Local Government. A new Members Code of Conduct is now awaited.
- 2.8 The Committee, in December, also agreed a protocol on bullying to be added to the Council's Members Code of Conduct. This was to assist Councillors in understanding what behaviour could amount to bullying and, therefore, be unacceptable. This was adopted by the Council in February 2009.

3.0 Forward Work Programme 2008/09

- 3.1 The work programme for 2008/9 is set out in Annex 1. It shows the planned and undertaken work in this year.
- 3.2 The draft work programme for 2009/10 is set out in Annex 2 and sets out the work the Committee proposes to undertake in 2009/10.

4.0 Complaints

- 4.1 The Committee acknowledges that there is not a major issue in Adur in relation to Members conduct, in the period covered by this Annual Report.
- 4.2 There was one complaint referred to the Committee from the Standards Board for England, this was under the pre-2008 process. A local investigation was undertaken with a Hearing in August.
- 4.3 A recommendation from the Hearing resulted in the Committee reviewing the code of conduct reminder process and two additional steps were added to ensure that Members complied with the statutory timescales.
- 4.4 The Council received one complaint about the conduct of a Councillor under the new Regulations. This was considered by the Assessment Sub-Committee and the Sub-Committee determined that there had been no breach of the Code of Conduct and no further action should be taken. The complainant was not satisfied with the decision of the Assessment Sub-Committee, requesting that the Review Sub-committee be called to review the decision. The Review Sub-committee duly considered the review request and additional information supplied reaching the same decisions – that there had been no breach of the Code of Conduct and no further action should be taken.

5.0 Monitoring

- 5.1 The Committee undertook monitoring of the completion of members interest forms following the district and parish elections in May 2008, using this knowledge to design a more easy to complete form in December 2008.
- 5.2 The Committee has also undertaken a review of the guidance issued for members on Development control and licensing committees. Each committee was asked to identify any areas in the current guidance that they felt needed clarification or

assistance on. During this review the Committee had in mind its role in Corporate Governance particularly key lines of enquiry identified by recent Use of Resources Audits.

6.0 Dispensations

6.1 No dispensations were granted during the year.

6.2 Applications were made for dispensations in January which were not granted. This was in relation to an individual Cabinet member decision being required. The circumstances have resulted in a recommendation to the Constitution and Audit Committee (by the Executive Head of Legal and Democratic Services) that an additional process be added to the Executive Procedure Rules to clarify the process if the Leader refers an individual cabinet member decision to the Cabinet for decision.

7.0 Contact between the Monitoring Officer and the Chairman of the Committee

7.1 There has been contact between the Monitoring officer and the chairman on such matters as whether or not to grant dispensations required in a particular case.

(NB For the Standards Committee meeting on 6 April the Annex 1 and Annex 2 have not been included in the report)