

**ESSEX COUNTY COUNCIL AND  
ESSEX FIRE AUTHORITY JOINT  
STANDARDS COMMITTEE**

**Annual Report  
2011/12**

## **1. Roles and Functions**

The Standards Committee has the following roles and functions:

- a) promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives
- b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct
- c) advising the Council on the adoption of revisions of the Members' Code of Conduct
- d) monitoring the operation of the Members' Code of Conduct
- e) advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct
- f) granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct
- g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards officer to the Monitoring Officer
- h) receiving and assessing complaints about Members in relation to the Code of Conduct
- i) as and when requested by complainants to review decisions not to refer a complaint for investigation following the assessment process referred to in paragraph h)
- j) conducting hearings of complaints about the behaviour of Members following an investigation
- k) acting as Standards Committee for the Essex Fire Authority for the purpose of its Statutory functions
- l) consideration of requests from Officers for removal of political restrictions from their post

- m). to act as an appeal committee for Members –
- with a physical disability claiming specific travel expenses, outside the normal provisions of the Member Allowances Scheme;
  - with carer responsibilities claiming the cost of a Carer whilst the Member is on approved Council duties
- n) consideration of annual statements to be produced by Members highlighting their achievements and activities.

## **2. Membership**

- 2.1 The Standards Committee is made up of twelve elected members who represent the County Council and the Fire Authority and five Independent Members appointed by the County Council and the Fire Authority.
- 2.2 For the period relating to this report the Independent Members were:

### **Essex County Council Appointed Independent Members**

**Tony French** (Chairman) - Tony is a qualified accountant who held senior finance positions in industry and since his retirement has worked in the voluntary sector. He is also an Independent Member of the Essex Police Authority Standards Committee.

**Daniel Farrow** (Vice-Chairman) – Daniel is a qualified Chartered Management Accountant with several years experience in banking and commerce. Formerly Daniel was Chief Financial Officer of Meldex plc and more recently was Chief Executive of the TIS Group.

**Christopher Jackman** - Chris has retired from a local government career working in London and Essex as a Housing Manager.

**Colin Booth** – Colin is a Trainer and operational technical rescue responder for the London Fire Brigade. Formerly he was a Chairman of the School Governors for Moulsham Junior School. He monitors standards in both his working life and as a School Governor.

### **Essex Fire Authority Appointed Independent Member**

**Michael Goodswen** - Michael's experience in banking includes trade union negotiations. He is now an Independent Member of Essex Police Authority Standards Committee and The Eastern Region Police Misconduct Panel.

- 2.3 For the period relating to this report the elected members of the Standards Committee were Councillors Fisher, Hart, Mackrory, Pike, Pond, Robinson, Twitchen, and Mavis Webster together with Councillors Evans, MacPherson and Pearson who represent the Fire Authority. In addition the Chairman of the County Council is an ex-officio member of the Committee.

## **3. Work of the Committee**

3.1 This has been a year when the Committee has been somewhat in limbo as a result of The Localism Act 2011. The Act has introduced major changes to the local government standards regime at both national and local level:

- Standards for England (formerly the Standards Board) was abolished at the end of March 2012
- A new local code of conduct has to be adopted by each Council
- Authorities have to appoint “Independent Persons” to advise the Council on complaints
- Sanctions available become very limited
- Committee arrangements become a matter of local choice but cannot include independent chairmen and voting members.

With the approval of the Essex Leaders, Essex Monitoring Officers have, over recent months, been working on an “Essex Code” on the basis that a single code would assist twin-hatted members and create a common benchmark for council/community relations. They have developed a draft which largely follows the existing code. It has been difficult to have an informed discussion on the proposals without the availability of the Secretary of State’s Regulations arising out of the Act to enable the proposals to be finalised.

An informal meeting of the Committee broadly supported the draft code produced without the benefit of the Regulations. It was also of the view that there should still be an appropriate committee to settle policies and procedures with a sub-committee structure to deal with, and take decisions on, casework. There was general consensus that the current arrangements have worked well and that the preference was for a joint standards committee with the Fire Authority.

Having been made aware in September 2011 that consideration was being given to retaining a compulsory code of conduct, at the request of the Committee, the Chairman wrote to the Secretary of State to make the Government aware of the Committee’s view that alongside any decision to retain a compulsory code of conduct, local authorities should be empowered to impose meaningful sanctions for councillors who are found to be in breach of the code. In the event the Secretary of State decided not to include any such sanctions.

3.2 Members of the Committee contributed to the Audit Commission’s Review of the County Council’s Governance Arrangements in 2011, either in Group Sessions or in one to one discussions. The Commission’s conclusion was that the Council had recognised the need to improve ethical governance arrangements and had invested significant resources in order to achieve this.

3.3 During the year the Committee received three complaints which were investigated locally by the Hearings and Review Sub-Committee. Two of the three cases were determined as a breach of the code of conduct for which sanctions were applied: in one case the sanction was to write to the Member about his conduct; in the other the Member was suspended for six months.

The third case did not constitute a breach of the Code and no further action was required.

#### **4. The Committee's last Annual Report**

- 4.1 As this is the last Annual Report of the current statutory committee it is perhaps worth looking back briefly at how it has evolved since it was first established under the Local Government Act 2000. During that time it has been chaired by two independent members: first Professor R M Atkinson; and more recently Mr Tony French. The Committee has appreciated the different perspective that the independent members have brought to the Committee and their skills in chairing sub-committees to consider complaints brought against members.

The Committee has evolved to take on the local assessment of complaints in 2008 which necessitated drawing up the necessary procedures for dealing with this and to become a Joint Committee between the County Council and the Fire Authority in October 2009.

- 4.2 Prior to 2008 the Committee was informed of 14 complaints referred to the Standards Board, no breaches of the Code of Conduct were found. Since 2008 when local determination of complaints was implemented there have been 15 complaints received and four breaches of the Code of Conduct identified. The Committee was also asked to consider lifting the Political Restriction on an Officer's post.
- 4.3 It is hoped that appropriate arrangements will be put in place which are not overly bureaucratic but still give the public confidence in the continued integrity of local councillors.

