

STANDARDS COMMITTEE
14th April, 2011

Present:- Mr. M. Andrew (in the Chair); Councillors Austen, Buckley, Gilding and Middleton; Mrs. A. Bingham, Mr. P. Edler, Ms. J. Porter and Mr. N. Sykes and Councillors Mr. D. Bates, D. Rowley and J. Sharman (Parish Councils' Representatives)

Apologies for absence were received from Mr. I. Daines, Mr. D. Foster and Dr. G. Musson

B36 COUNCILLOR JANE AUSTEN

The Chairman reported that this was Councillor Austen's last meeting of the Committee following her decision not to seek re-election to the Council.

Resolved:- That Councillor Austen be thanked for her excellent service to the Standards Committee and she be wished all the very best for the future.

B37 MINUTES

Resolved:- That the minutes of the meeting of the Committee held on 10th February, 2011 be approved as a correct record.

B38 MAINTAINING HIGH ETHICAL STANDARDS IN LOCAL GOVERNMENT

Richard Waller, Non-Contentious Team Manager, presented the submitted paper from Local Government Improvement and Development and the Association of Council Secretaries and Solicitors summarising the proposals contained within the Localism Bill and outlining those provisions available to authorities to call upon.

The paper covered the following:-

- Summary of changes proposed in the Bill
- The Nolan Principles
- Fiduciary Duty of Councillors
- Registering Interests
- Civil Law
- Equalities and Discrimination Law
- Criminal Law
- Electoral Offences
- Audit Commission for Local Authorities
- Local Government Ombudsman
- Bias, Predisposition and Predetermination

Resolved:- That the information be noted.

B39 FUTURE OF THE STANDARDS COMMITTEE

Further to Minute No. B27 of the meeting of this Committee held on 13th January, 2011, Richard Waller, Non-Contentious Team Manager, presented the submitted report by the Assistant Chief Executive, Legal and Democratic Services regarding future arrangements within the Council should the Localism Bill be adopted in substantially its present form.

The report focused on:

- repeal of the Model Code of Conduct and option for councils to adopt a voluntary code of conduct which could cover some or all of the following areas that would otherwise be left unregulated:
 - Breach of equalities
 - Bullying
 - Compromising impartiality of staff
 - Refusal of access to information
 - Misuse of position for personal advantage
 - Misuse of council resources
 - Have regard to advice
- repeal of requirement to establish a standards committee and option of retaining a standards committee on a voluntary basis to deal with the continued duty to promote and maintain high standards of conduct by members and co-opted members of the Authority

Also submitted were the Committee's current terms of reference with commentary on how each of them would be affected by the changes proposed in the Bill and the original terms of reference adopted by the Standards Committee, which was established by the Council on a voluntary basis prior to this becoming a statutory requirement under the provisions of the Local Government Act 2000.

Discussion and a question and answer session ensued and the following issues were covered:-

- need to adopt some form of code to set out required standards of conduct
- basis of any code and need for consistency amongst standards committees
- need to retain a standards committee
- future composition of a retained standards committee
- potential for a sub regional approach
- arrangements for dealing with allegations/issues of conduct should a voluntary code be adopted

- concerns regarding town/parish councils in the area not wishing to adopt a voluntary code and deal with issues of conduct
- level of sanction available to a responsible authority

(1) Recommended:- (a) That a Standards Committee continue to be appointed by the Council.

(b) That the Council adopt a voluntary Code of Conduct at the appropriate time.

(2) Resolved:- (a) That a further report be submitted on the proposed content of such a voluntary code.

(b) That a further report be submitted upon the suggested composition of a voluntary Standards Committee and its terms of reference, once the likely final provisions of the Localism Bill and proposed regulations regarding Members' interests becomes clearer.

(c) That any comments on this matter be forwarded to the Assistant Chief Executive, Legal and Democratic Services by 1st June, 2011.

B40 WORK PROGRAMME

The Committee noted the latest position

B41 EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 2 and 3 of Part I of Schedule 12A to the Local Government Act 1972 (information relating to the identity of an individual and business affairs)

B42 REFERRAL UNDER CONFIDENTIAL REPORTING CODE

Further to Minute No. B34 (4) of the meeting of this Committee held on 10th February, 2011, Colin Earl, Director of Internal Audit and Governance, presented the submitted report detailing the circumstances of an investigation undertaken into allegations received under the Confidential Reporting Code.

Also submitted were:-

- Internal Audit investigation report and recommendations
- Comments from the directorate concerned
- Action plan resulting from the investigation

The Committee noted that allegations had been received, the allegations had been investigated, action had been taken where necessary and recommendations had been made and manager briefings reinforced to mitigate future risks. The Committee welcomed that the 'whistleblowing' policy had worked well in this case.

Resolved:- (1) That the information be noted.

(2) That the policy be reviewed further to identify any potential improvements.