

STANDARDS COMMITTEE
12th April, 2012

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

Apologies for absence were received from Councillor Hughes and Mr. I. Daines

B33 MINUTES OF THE PREVIOUS MEETING HELD ON 29TH MARCH, 2012

Resolved:- That the minutes of the meeting of the Committee held on 29th March, 2012 be approved as a correct record, subject to the following amendments:-

Minute Nos. B30 and B31 change places and be numbered accordingly.

New Minute No. B30 (Response to the Localism Act 2011):-

- First Paragraph – to now read “Further to Minute No. B25 of the meeting of the Standards Committee held on 8th March, 2012, consideration was given to a further report presented by the Chairman of the Standards Committee which set out the collective concerns about a number of areas of the Localism Act concerned with standards. It was suggested that an Independent Sub-Committee could consider complaints or allegations of misconduct by Members.
- Second Paragraph – to insert the word “an Independent” before Sub-Committee and remove the words “comprised of Independent Members”.
- Fourth Paragraph - to insert the word “an Independent” before “Sub-Committee” and remove the words “comprised of Independent Members or Independent Members and Independent Persons”.
- Fifth Paragraph – to insert “[s]” after “Person” on lines two, four and six.
- Seventh Paragraph – to insert the word “an Independent” before “Sub-Committee”.
- Tenth Paragraph and last two italic bullet points – to insert “[s]” after “Person” on lines two, four and six.
- To insert the following words immediately after the bullet points in italics:-

“The Chairman stated on several occasions throughout the meeting that, within the report the term “Independent/Independence” was used in a general sense and that at no point did it state, or should it be read as referring to, Independent Members of the current Standards Committee.

The Committee agreed that this should be made explicit in its response to the Localism Act and that an addition should be made to the Executive Summary to read to this effect.”

- First Resolution – to include the words “and consideration by the Cabinet and Council” at the end.

New Minute No. B31 (Localism Act, 2011):-

- Third Paragraph – to insert (s) at the end of “Person”.
- Fourth Paragraph – to now read “Given the view of the Committee it was suggested that the report as submitted go forward to the Cabinet and Council.”

The Committee also then debated at length how they wished to proceed with the report that would be submitted initially to Cabinet and whether the Committee’s report should go as an appendix to the Monitoring Officer’s report or as a separate item.

B34 RESPONSE TO THE LOCALISM ACT, 2011 - UPDATE

The Chair of the Standards Committee confirmed that she and the Vice-Chair had met the Leader and the Chief Executive. The ideas put forward on behalf of the Committee were well received.

The Leader and Chief Executive recognised the importance of the need for public confidence in the standards regime and that there should be a threshold for dealing with cases given that a number of complaints had been of a trivial nature. Whilst acknowledging this fact, they were of the view that the process by which complaints were considered was one for proper consideration.

The Chief Executive felt the process should be rigorous, have a threshold for sorting serious from less serious complaints and be more streamlined in support of the Council’s objective of cutting bureaucracy and the number of meetings.

The discussion moved to the role of the Monitoring Officer and the concerns expressed by the Committee that one person would bear responsibility for deciding whether a complaint against a member should be investigated, as Independent Persons would only have an advisory role.

The Chief Executive had explained that the Monitoring Officer’s duty was to ensure that the Council complied with the law and that, when acting in her capacity as Monitoring Officer, she was totally independent and he had no managerial control over her.

The Leader and Chief Executive appeared supportive of the views of the Committee and were in agreement with three principles:-

- That there would be a Standards Committee.
- That the Standards Committee have an independent element.
- That the independent elements of the Committee would have voting rights.

The Vice-Chair also referred to the three principles above and confirmed that this information was to be forwarded to the Committee via herself by email.

Mr Waller confirmed that he would now be submitting a report on the new standards arrangements to the Cabinet and, in light of the Leader and Chief Executive's wishes, would revise the report previously considered by the Committee to include an independent element in the composition of the new Standards Committee. He advised the Committee that he would be obliged, however, to inform the Cabinet that any Independent Members appointed to the new Committee would not have voting rights as this would be contrary to law and also that the Chief Executive had advised him that that the above principles were agreed subject to any legal qualification.

The Committee expressed concern that Independent Members would not have voting rights and reiterated the need for the establishment of a Sub-Committee of Independent Members to advise the new Standards Committee in order to protect the reputation of the Council and maintain public confidence that complaints would be dealt with impartially.

Mr. Waller reminded the Committee of the provisions of the Localism Act concerned with the appointment of Independent Persons and the general rule on voting rights and informed the Committee of a discussion between the Legal Officers of Barnsley, Doncaster, Rotherham and Sheffield Councils in which it had been suggested that each Council should appoint one Independent Person to form a pool of four who could be called upon by each Council as required and thereby avoid conflicts of interest.

In view of Mr. Waller's advice on the voting rights of Independent Members, the Committee expressed disappointment at the outcome of the meeting attended by the Chairman and Vice-Chairman.

The Committee gave consideration as to how to progress their concerns on the new standards regime to Cabinet and whether or not to submit their report independently, just the executive summary and recommendations or as an appendix to the Monitoring Officer's report.

Mr. Waller advised the Committee that he proposed to append the Committee's report to the Monitoring Officer's report and include references to the Committee's concerns in the body of the report with her comments immediately following.

The Committee decided by majority vote to accept Mr. Waller's suggestion that the Monitoring Officer's report, as suggested, should reflect the Committee's comments and that the Committee's report be included as an appendix for information. It was suggested that the Committee have sight of both reports prior to their submission to the Cabinet.

In terms of the outcome of the meeting with the Leader and the Chief Executive, the Committee wished to include the details of this meeting in the Executive Summary.

It was also suggested that an additional meeting, to consider the necessary reports, prior to their submission to Cabinet, be arranged for Thursday, 10th May, 2012, at 2.00 p.m.

The Committee suggested that the Chairman, on the Committee's behalf, write to the Secretary of State expressing concern at the changes to the independent elements of the new standards arrangements.

Mr. Waller circulated a letter from the Department for Communities and Local Government containing an illustrative text for a Code of Conduct for Members and Co-Opted Members of Local Authorities.

Resolved:- (1) That the information from the Chief Executive be provided to all Members of the Standards Committee once received.

(2) That the report of the Monitoring Officer, with the comments of the Committee included, along with the Committee's appended report, be submitted to this Committee for consideration prior to it being submitted to Cabinet for recommendation to Council for adoption.

(3) That a further meeting of the Committee take place on Thursday, 10th May, 2012 at 2.00 p.m.