

STANDARDS COMMITTEE
9th February, 2012

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

Apologies for absence were received from Councillors Gilding and Hughes.

B19 ELECTION OF CHAIR

Consideration was given to the election of Chairman in light of Mr. M. Andrew's decision to step down and nominations were sought.

Mrs. Angela Bingham was proposed and seconded as Chairman.

Resolved:- (1) That Mrs. Angela Bingham be appointed Chairman of this Committee.

(2) That Mr. M. Andrew be thanked for all his hard work on behalf of the Committee.

(Mrs. A. Bingham in the Chair)

B20 MINUTES

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

Reference was made to Minute No. B18 (Bribery Act 2010) where it was confirmed that the information had been presented to the Audit Committee and the Monitoring Officer and Internal Audit Manager were in the process of devising and implementing a joint programme of work to refresh and update Council documents and procedures.

It was also noted that there was no reference to officers' interests in the new Localism Act so there was little possibility of these being included in the Committee's Terms of Reference.

B21 LOCALISM ACT, 2011

Consideration was given to the report, which was circulated at the meeting, containing details of the changes to the standards regime in consequence of the enactment of Chapter 7 (Sections 26 - 37) of the Localism Act 2011 and the options for consideration by the Committee with a view to making recommendations to the Cabinet and the full Council.

The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The date for implementation of these changes was proposed to be 1st April, 2012, but was now expected to be 1st July 2012.

The Act also repealed Section 55 of the Local Government Act 2000, which provided for the current statutory Standards Committee. There would be no requirement for a statutory Standards Committee, although the Council had opted to have a voluntary Committee as there would still be a need to deal with standards issues and case-work.

The new Standards Committee would be a normal committee of the Council, without the unique features which were conferred by the previous legislation. Details of the composition of the new Committee, the restrictions placed on the current independent members and the process for dealing with complaints against elected and appointment members of Parish Councils were outlined.

The Committee considered it appropriate to reflect on the changes and recommendations set out in the report and the Chairperson offered to collate any comments from the Committee and formulate these into a joint response for consideration at the next meeting of the Committee.

The Monitoring Officer, therefore, reported further on the report's content, drawing specific attention and providing more information on:-

- Membership of the new Standards Committee.
- Decision for Parish Councils whether to delegate their functions in relation to the standards of conduct for their members.
- Drafting of a Code of Conduct.
- Registration and disclosure of Members' interests.
- Preparation and maintenance of the Register of Members' interests.
- Disclosure of interests and withdrawal from meetings.
- Delegation arrangements to the Monitoring Officer.
- Investigation of complaints and actions arising.
- Operation of the new Standards Committee regime.
- Appointment by Council of at least one Independent Person.
- Sensitive issues and dispensations.
- Transitional arrangements.

In considering the information provided by the Monitoring Officer, the Committee asked a range of questions and passed comment on:-

- The possibility of Independent Members being co-opted onto the newly constituted Standards Committee.
- The possibility of recommending to Council they consider co-opting existing independent members onto the new Committee.
- Conflicts of interests for one Independent Person and the obligations under the new arrangements.
- Investigation of complaints and the confidence that matters would be dealt with appropriately.
- Contact to be made with Parish Councils with regards to the Code of Conduct and their registration of interests.

- Standards Committee delegation of powers.
- Management of complaints against Elected Members.
- Voting rights of Parish Council representatives.
- Preparation of the draft Code of Conduct.
- Methods of dealing with misconduct and complaints by members of Parish Councils.
- Dealing of complaints by the Monitoring Officer in consultation with the Independent Person.
- The restrictions placed on independent members becoming the Independent Person.
- Probability of vexatious complaints.
- Independent Persons' profiles.
- Transitional arrangements and consideration of conflicting views.
- Possible meeting between the Chairman of the Standards Committee and the Leader of the Council and Chief Executive.

The Standards Committee felt obliged to support the Council in seeking the best possible outcome for the standards regime in the future and to raise concerns or highlight weaknesses which it was felt the Council should consider.

Resolved:- (1) That the matters be deferred and a further report be submitted to the next meeting of the Standards Committee scheduled to take place on Thursday, 8th March, 2012.

(2) That any comments be forwarded to the Mrs. Angela Bingham, Chairman, for inclusion in a revised report.

B22 INDEPENDENT PERSONS

Consideration was given to the report, which was circulated at the meeting, which detailed how the current independent members of the Standards Committee would not be eligible to be appointed as "independent persons" by the Council under the new arrangements. They may, however, apply for appointment as independent persons at neighbouring Councils, providing they did not have relatives or close friends who were Members, Co-opted Members or Officers of the Council to which an application was made.

There must, therefore, be a five year break before being eligible for appointment as an Independent Person.

It was suggested that the contents of this report be looked into further and resubmitted for consideration at the next meeting.

Resolved:- That the position concerning "Independent Persons" under the Localism Act, 2011 be noted, and the report given further consideration at the next meeting of the Committee.

B23**REGISTER OF MEMBERS' GIFTS AND HOSPITALITY**

Copies of the Registers of Members' Gifts and Hospitality, including that of the Leader of the Council and the Mayor, were circulated for the Standards Committee to inspect.

The Committee, in considering the detail, noted that some entries were not as full as they might be and suggested that the word "none" be used where appropriate rather than leaving entries blank.

Resolved:- That the detail in the Registers of Members' Gifts and Hospitality be noted.