

STANDARDS COMMITTEE
Thursday, 8th March, 2012

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

An apology for absence was received from Mr. D. Foster and Parish Councillor P. Blanksby.

B24 APPOINTMENT OF VICE-CHAIRMAN

Consideration was given to the election of Vice-Chairman in light of a vacancy and nominations were sought.

Dr. Gill Musson was proposed and seconded as Vice-Chairman.

Recommended:- That Dr. Gill Musson be appointed Vice-Chairman of this Committee.

B25 MINUTES OF THE PREVIOUS MEETING HELD ON 9TH FEBRUARY, 2012

Resolved:- That the minutes of the meeting of the Committee held on 9th February, 2012 be approved as a correct record, subject to the following amendments:-

Minute No. B21 (Localism Act, 2011):-

- Fifth Paragraph "...into a joint response" should read "... into a joint report".
- Resolution 1 and 2 to be combined to now read:- "That the matters be deferred and any comments be forwarded to Mrs. Angela Bingham, Chairman, for inclusion in a report to be prepared by the Chairman and submitted to the next meeting."

Reference was also made to Minute No. B23 (Register of Members' Gifts and Hospitality) where it was noted that the word "none" should be used rather than leaving blank entries and should not be used for Elected Members who have nothing to declare.

Further to Minute No. B21 (Localism Act, 2011) a copy of a draft report had been circulated to Members of the Standards Committee by the Chairman which collated the comments received and sought to inform discussion. It was suggested that the report now submitted be amended as follows:-

Page 2 - Introduction - Second Paragraph - deletion of the words "interpretations of the terms" in the third sentence and replaced with "application".

Page 2 - Composition of the Standards Committee - First Paragraph - deletion of the words "and an Independent Person" in the second sentence and replaced with "who may consist of Independent Person{s)".

Page 5 – Role of the Independent Person and the Monitoring Officer – Fifth Paragraph – deletion of the word “quarterly” and replaced with “as necessary/appropriate”.

Page 5 – Recommendations/Alternatives/Actions for Consideration by RMBC – Fifth Paragraph - deletion of the word “quarterly” and replaced with “as necessary/appropriate”.

Clarification was sought on the detail in the Localism Act about the Standards Committee and whether the Council had to adhere to set instructions or could consider co-opting current Independent Members into the new arrangements or even having the Committee replaced by another named “Ethical Policy Committee”, which could carry out much of the work of the current Standards Committee.

The Monitoring Officer provided further information on the Act and how it repealed Section 55 of the Local Government Act, 2000 which provided for the current Standards Committee and how the new Standards Committee would be a normal Committee of the Council without the unique features which were conferred by the previous legislation.

In addition information was provided on the role of the Independent Person, the potential conflict that may arise with having co-opted Independent Members on the newly constituted Standards Committee and the delegation of functions to officers.

Discussion ensued on the value of the current Standards Committee and how it had promoted the highest possible standards amongst Members and the need for the new regulations to be reviewed with a response offered to the Council with suggestions of where the areas of weakness in the Localism Act could be strengthened.

The main area of concern was in the composition of the new Standards Committee and the perception that it may be biased and undermine public confidence.

Various alternatives were suggested with more favour towards the present regime which had worked well at a local level with its combination of Independent, Elected and Parish Council Members.

The Localism Act also gave no power to the Standards Committee to do anything other than to recommend to Parish Councils on action to be taken should there be a complaint against a particular Parish Councillor. Parish Councils would not be obliged to accept such recommendation.

Concern was, therefore, expressed about the methods of dealing with complaints against Parish Councils, the confusion over the adoption of Codes of Conduct for Parish Councils and the lack of any clarity over the transitional arrangements.

Discussion also ensued further on the role of the Independent Person and the Monitoring Officer and perceived inappropriate levels of responsibility, which relied predominantly on one person with advice from another, who had no voting rights. It was, therefore, felt inappropriate for an officer to be expected

to consider and make judgements on complaints against Elected Members, which should be referred to the Standards Committee.

In drawing the discussion to a close the Chairman suggested that a report be brought back to a further meeting of the Standards Committee and that the Chairman and Vice-Chairman take forward the concerns to a meeting of the Leader and Chief Executive before a report was formally submitted to the Cabinet.

Resolved:- (1) That a further report be submitted to a special meeting of the Standards Committee to be scheduled to take place on Thursday, 29th March, 2012 at 2.00 p.m.

(2) That the Chairman and Vice-Chairman make arrangements to see the Leader and the Chief Executive in due course regarding the concerns raised at this meeting and which would be contained within the report.

B26 LOCALISM ACT, 2011

Further to Minute No. B21 of the meeting of the Standards Committee held on 9th February, 2012, consideration was again given to the report presented by the Monitoring Officer, which contained the details of the changes to the standards regime and the options for consideration with a view to making recommendations to the Cabinet and full Council.

Discussion ensued on the best way forward of presenting the views of the current Standards Committee.

Resolved:- That consideration of this report be deferred and that its contents be considered as part of the agenda for the special meeting of the Standards Committee scheduled to take place on Thursday, 29th March, 2012 at 2.00 p.m.

B27 ACSES DRAFT CODE OF CONDUCT

Consideration was given to the report presented by the Monitoring Officer, which set out details of the second draft version of the ACSeS model code of conduct.

The latest draft broadly followed the statutory model, which would be repealed following the bringing into force of Section 27 (duty to promote and maintain high standards of conduct) of the Localism Act, 2011.

Resolved:- That the draft ACSeS model code of conduct form the basis of the Council's Code of Conduct.

B28 ACSES ROLE DESCRIPTION OF INDEPENDENT PERSON

Consideration was given to a report presented by the Monitoring Officer which set out the role description of the independent person drawn up by ACSeS and appointed by the Council to advise the Standards Committee in relation to allegations of breach of the Council's Code of Conduct by Members and Co-opted Members.

Discussion ensued on the role of the Independent Person and whether or not they would be co-opted onto the Standards Committee and their voting rights if any and the relationship with the Monitoring Officer.

The Chairman suggested to the Committee that they note the contents of the report, but that the detail be considered as part of the report prepared by the Committee.

Resolved:- That the report be received and the ACSeS' interpretation of the role be noted.