

STANDARDS COMMITTEE
Thursday, 29th March, 2012

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

Apologies for absence were received from Councillor Middleton and Messrs. I. Daines and D. Bates

B29 MINUTES OF THE PREVIOUS MEETING HELD ON 8TH MARCH, 2012

Resolved:- That the minutes of the meeting of the Committee held on 8th March, 2012 be approved as a correct record, subject to the following amendments:-

Minute No. B25 (Minutes of the Previous Meeting):-

- Final Paragraph – removal of the words “Chief Executive”. The decision was that the Chairman and Vice-Chairman should request a meeting with the Leader.
- Resolution 2 – to remove reference to the Chief Executive (as above).

B30 LOCALISM ACT, 2011

Further to Minute No. B26 of the meeting of the Committee held on 8th March, 2012, consideration was 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 recommendations to the Cabinet and full Council.

It was noted that Parish Councils would also be written to and invited to indicate their wish to delegate their functions in relation to the standards of conduct to the Council and whether or not to adopt the Council's Code of Conduct.

Reference was made to the letter that had been circulated by the Monitoring Officer from the department of Communities and Local Government regarding a possible transitional provision enabling existing Independent Members of the Standards Committee to be appointed as an Independent Person.

Given the view of the Committee it was suggested that the report as submitted go forward to the Cabinet with the views of the Committee included as an appendix once the meeting with the Leader of the Council had taken place.

Resolved:- That the contents of the report be noted.

B31 RESPONSE TO LOCALISM ACT 2011

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 and how it prevented the current Independent Members from serving further within a regime that operated effectively, generated public confidence and continued to be an example of good practice. It was suggested that a Sub-Committee of Independent Members should be formed to consider complaints of allegations of misconduct by Members.

The Monitoring Officer stated that in his view it was not practical to have a Sub-Committee comprised of Independent Members who would have no voting rights and would therefore have to refer any decision on a complaint of misconduct by a Member to the parent committee or the full Council. Moreover such an arrangement would conflict with the role of the Independent Person or Persons whose statutory duties include advising the Monitoring Officer or the Standards Committee on a decision as to whether to investigate a complaint of alleged misconduct.

Discussion took place on the remit of a Sub-Committee, which, it was felt, could have a more balanced membership and extend the work and provide more influence to the Standards Committee itself and whether or not consideration could be given to a politically balanced membership for the Standards Committee rather than it simply being made up largely of the majority group.

Whilst it was noted that there did not appear to be anything in the Localism Act that prevented the Council approving a Sub-Committee comprised of Independent Members or Independent Members and Independent Persons the general rules on the discharge of the Council's functions through Committees would apply to newly constituted Standards Committee and any of its Sub-Committees.

The Monitoring Officer advised the Committee on the advisory role of the Independent Person and that the appointment would be a statutory appointment. He pointed out that in co-opting Independent Members essentially to carry out the same role as the Independent Person there was a risk that a conflict of interest could arise where the advice of the Independent Person did not accord with the advice of Independent Members.

The Committee expressed its concern about the skills, knowledge and experience that would be lost and wished to recommend to the Council an alternative option which would offer a more practical and effective way to interpret and implement the new legislation.

The Committee considered that the changes to the standards regime introduced by the Localism Act in relation to complaints could potentially affect public confidence. The Committee maintained that it was inappropriate to expect Elected Members to judge their peers without independent support and whilst it was acknowledged that the Independent Person(s) would provide independent advice, the role of a Sub-Committee would extend the remit and provide this support from a more independent cohort.

The Chairman circulated an updated version of the Executive Summary and recommendations and asked the Committee to give due consideration to the content.

The Committee were in favour with Recommendations 1 and 2 and their bullet points in relation to the composition of the Standards Committee.

In terms of the role of the Independent Person, the following was suggested to replace that currently existed in the revised circulated document:-

That in order to maintain public confidence;-

- *The post should be remunerated.*
- *The remuneration for the Independent Person should be set at a prudent and realistic level by the Independent Remuneration Panel and the Chair of the Standards Committee and that it be within the limits of the allowances paid to the current Standards Committee Members.*
- *The Independent Person should report as necessary/appropriate to the Standards Committee on the discharge of his/her functions.*

The Committee were in agreement that the report with the amendments should be upheld and form the basis of discussions between the Chairman and Vice-Chairman and the Leader of the Council, which would take place on Wednesday, 11th April, 2012. An update would then be provided by the Chairman at the meeting of this Committee scheduled for Thursday, 12th April, 2012.

Resolved:- [1] That the report be revised and form the basis of discussions between the Chairman and Vice-Chairman and the Leader of the Council.

[2] That the Chairman give a verbal update at the next meeting of this Committee scheduled for Thursday, 12th April, 2012.

(THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO PROCESS THE REQUEST REFERRED TO)

B32 STANDARDS COMMITTEE INDEPENDENT MEMBERS' FORUM

Consideration was given to a request to resurrect the Standards Committee Independent Members' Forum, which was last held in Scarborough and which incorporated Standards Committees Yorkshire wide.

It was suggested that a further event be arranged and hosted in Rotherham as a matter of some urgency and arranged by Committee Services.

Whilst the Committee noted the value of such a Forum, it was felt that given the imminent implementation of the new regime, there would be insufficient time to make the necessary arrangements.

Resolved:- That the request not be actioned.