

STANDARDS COMMITTEE
13th December, 2012

Present:- Councillor Gosling (in the Chair); Councillors Beck, Gilding, P. A. Russell and Sims and also Mrs. A. Bingham and Mr. I. Daines.

Apologies for absence were received from Councillors Middleton and Pitchley and Mr. P. Edler, Dr. G. Musson and Mrs. J. Porter.

B9 MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the meeting of the Committee held on 27th September 2012 be approved as a correct record.

With regards to Minute No. B6 (Localism Act 2011 and the Standards Regime) an update was provided on concerns relating to:-

- Whether or not the word "Metropolitan" should appear in the name of "Rotherham Borough Council" – the reason for this was that in the Charter that established the Council, the word "Metropolitan" did not appear.
- Description of Independent Members and whether they were co-opted Independent Members. – the word co-opted should not appear as Independent Members did not have voting rights.

B10 MONITORING OFFICER UPDATE

Consideration was given to the update of the Monitoring Officer presented by Stuart Fletcher, Contentious Team Manager, which provided details on:-

- Referrals under the Code of Conduct - There were currently five matters being considered at a preliminary stage in consultation with the Independent Person. One matter had not been proceeded with under the Council's procedure as it did not involve the Councillor acting in a public capacity.

The Committee requested that without giving specific named details that for the next update further information be provided on the nature of the complaints.

- Dispensations - In accordance with the Localism Act, the Code of Conduct and the powers delegated to the Monitoring Officer, the following dispensation had been granted to all those Town and Parish Councils that had delegated their functions in relation to Standards matter to the Council:-

"to take part in the discussions, vote and remain in the meeting room when setting council tax or a precept under the Local Government Finance Act 1992 or any other enactment."

It was proposed to provide a similar dispensation to Borough Councillors.

- Ballot of Parish Councils - The Yorkshire Local Councils Association was conducting a ballot of Parish Councils throughout December to appoint three representatives to the Standards Committee. This had been delayed slightly and further information would be provided in due course.
- Recruitment of Independent Person – Following interviews it was suggested that discussion take place with the Monitoring Officer with regards to the four interviewed candidates with a view to the Council ratifying any decision.

The Committee suggested that wherever possible the Council look to appointing two Independent Persons to prevent any conflict and ensure transparency in the process.

Resolved:- (1) That the information be noted

(2) That the Monitoring Officer consider the request regarding the appointment of Independent Person(s).

B11 THE LOCALISM ACT 2011 AND THE CODE OF CONDUCT

Further to Minute No. 6 of the previous meeting held on 27th September, 2012, consideration was given to a report presented by Stuart Fletcher, Contentious Team Manager, which detailed the amendments to the Code to provide that, where a Member had a personal interest in any business of the Council, in addition to disclosing that interest upon the Register of Interests form, it should be necessary to declare that interest at the meeting.

The proposals had been discussed at the Parish Council Network meeting on 22nd November, 2012, where it had been considered to enhance the transparency of the process and provide increased clarity both for Members and others.

Consideration should now be given as to whether, in addition to declaring a personal interest, a Member should be allowed to remain in the meeting and participate in the discussion or should withdraw.

Discussion ensued on the merits of disclosing personal interests whether it should be at the Member's discretion or whether withdrawal was required.

It was, therefore, proposed that guidance be issued and that Members' declare personal interests where appropriate and if necessary consult with the Chairman of the meeting.

Resolved:- That the amendments to the Code of Conduct, reflecting the discussion, be approved.

B12 BRIEFING FROM THE CHIEF EXECUTIVE

The Chairman welcomed Martin Kimber, Chief Executive, to the meeting who provided a brief resume to the changes to the standards regime and the need to remove the vehicle for petty, malicious and vexatious complaints.

It was for the Standards Committee to make sure that the seven principles of public life were adhered to. Further information was provided on the key points of the new regime which included the reasons for the abolition of the Standards Board for England, the devolution for the handling complaints and standards to local Councils and the role of the independent members as part of this complaints process in sieving out vexatious and frivolous complaints.

Further information was also provided on the functions the Independent Person or Persons that were to be appointed who must be consulted by the Council before it made a finding as to whether a Member had failed to comply with the Code of Conduct or decide on action to be taken in respect of that Member, in respect of a standards complaint at any other stage or by a Member or Co-Opted Member of the Council or of a Parish Council against whom a complaint had been made.

Discussion ensued on the roles of the Independent Person and the Monitoring Officer and the need for the Standards Committee to be informed of any complaints that had been made on a regular basis. Concern was still expressed that the new arrangements placed inappropriate levels of responsibility on the Monitoring Officer and felt it a little unfair to be expected to handle and make judgments on complaints alleging misconduct by Members and suggested that this should be handled by the Committee.

Whilst the concerns of some of the Committee were noted it was pointed out that there was a statutory requirement for an Independent Person and that the Standards Committee had to work within the legal framework of maintaining high standards across the borough, nor were there any appeal mechanism should anyone wish to appeal against a particular decision other than the Ombudsman test of maladministration.

Resolved:- (1) The Chairman thanked the Chief Executive for his contributions and attendance.

(2) That the information be noted.

B13 DATE AND TIME OF NEXT MEETING

Resolved:- That a further meeting be held on Thursday, 14th March, 2013, commencing at 2.00 p.m.