

STANDARDS COMMITTEE

25TH OCTOBER 2012

PRESENT:

Councillors Holden (in the Chair), Bowker, Mrs. Dixon, Higgins, Platt and Procter; Mr. C.E.J. Griffiths and Mrs. S. Royle.

In attendance:

Acting Director of Legal and Democratic Services / Monitoring Officer (Ms. J. Le Fevre),
Senior Democratic Services Officer (Mr. J.M.J. Maloney).

APOLOGIES:

Apologies for absence were received from Councillors Anstee, Freeman, Ross and Weston, and Mrs. L. Atkinson.

1. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN 2012/13

RESOLVED: That it be noted that Council had appointed Councillors Holden and Procter as Chairman and Vice-Chairman respectively of this Committee for the municipal year 2012/13.

2. MEMBERSHIP OF THE COMMITTEE 2012/13

RESOLVED: That the membership of the Committee for the remainder of the municipal year 2012/13, including the appointment of Mrs. S. Royle as a Parish Co-Opted Member, be noted.

3. TERMS OF REFERENCE OF THE COMMITTEE 2012/13

Members received for information details of the new Terms of Reference for the Committee as agreed by Council at its meeting on 19th September 2012. In response to a query from Members regarding the delegation of dispensations to the Council's Monitoring Officer, it was agreed that this issue be clarified and the Committee's Members advised accordingly. In discussion, Members noted the amended composition of the Committee, but welcomed the external perspective, experience and credibility which the continued participation of independent co-opted Members would bring to the Committee's proceedings; and expressed the expectation that the impartial stance historically taken by the Committee would continue to be maintained under the new arrangements.

RESOLVED –

- (1) That the content of the report be noted.
- (2) That the issue regarding the delegation of dispensations to the Council's Monitoring Officer be clarified, and Members advised of the outcome.

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4. MINUTES

RESOLVED: That the Minutes of the meeting of the former Standards Committee held on 18 January, 2012 be received for information and noted.

5. ETHICAL STANDARDS – THE CODE, COMPLAINTS & INVESTIGATION PROCEDURE, PRE-HEARING PROCEDURE AND THE ROLE OF THE INDEPENDENT PERSON

The Monitoring Officer introduced a report which set out details of key aspects of the new ethical standards framework put in place under the Localism Act 2011, and sought Members' views in respect of any potential amendments which they might wish to recommend. Members endorsed the proposals set out in the report, expressing support in particular for the principles of the complaints procedure as now set out and the involvement of the Independent Persons. In discussion, Members drew attention to a potential ambiguity in the description of the complaints procedure in relation to the maintenance of complainants' confidentiality, and suggested that it might be amended to reflect the wording contained in the complaint form. It was agreed that the officers would review the documentation accordingly.

RESOLVED –

- (1) That the Member Code of Conduct, put in place by the Council under the Localism Act 2011 and attached as Appendix A to the report, be noted.
- (2) That the new complaints and investigation procedure adopted by the Council, attached as at Appendix B to the report, be noted.
- (3) That the pre-hearing procedure for hearings adopted by the Council and attached at Appendix C to the report be noted.
- (4) That the appointments of Mr. Michael Whiting and Ms. Nicole Jackson as the independent persons under section 28 of the Localism Act 2011 be noted.
- (5) That the committee note and welcome Council's decision to authorise the Monitoring Officer to set up and maintain a register of Members' interests, and note the legal requirement to publish that register on the Council's website.
- (6) That the officers be requested to review the Complaints Procedure documentation in relation to the maintenance of complainants' confidentiality, in order to ensure complete clarity on this point.

6. OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS

The Monitoring Officer introduced a report which set out details of the legal requirement that the register of Members' Interests must be available for inspection and published on the Council's website, and which provided for Members' information a DCLG guidance document for Councillors on how to be open and transparent regarding their personal interests.

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The Committee agreed that the guidance document was helpful and informative, and requested that it be made available to all Members of the Council and to the Parish / Town Council Clerks. The Monitoring Officer sought the Committee's view on whether it would be helpful for specific training to be provided for members in this area; it was agreed that this would be beneficial, and would accordingly be arranged in due course.

RESOLVED –

- (1) That the content of the report be noted.
- (2) That the DCLG guidance document on openness and transparency in Members' personal interests be made available to all Members of the Council and to the Parish / Town Council Clerks.
- (3) That training be arranged in due course for Members in relation to the new requirements in respect of the recording and declaration of interests.

7. LOCAL GOVERNMENT STANDARDS – GENERAL DISPENSATIONS

The Monitoring Officer submitted a report which sought the Committee's views on what general dispensations ought to be granted to Members to allow them to participate in Council business in cases where they have a disclosable pecuniary interest. In discussion Members agreed that the proposals set out in the report allowed a reasonable level of access and participation, and should therefore be supported.

RESOLVED –

- (1) That the committee grants dispensations for four years to all Members having a disclosable pecuniary interest or prejudicial interest allowing them to both speak and vote in relation to the following functions of the Council:
 - a) school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education, unless it relates particularly to the school which the child attends;
 - b) the provision of any allowance, payment, pension, indemnity or other financial benefit given to Members;
 - c) housing, where they are a tenant of the Council provided that those functions do not relate particularly to their tenancy or lease;
 - d) setting council tax or a precept.
- (2) That the committee grants the following dispensations for four years to Members who are elected members or co-opted members of another public authority and who have a disclosable pecuniary interest in a matter only by virtue of the fact that s/he is in receipt of an allowance from that other authority:

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- a) Where the issue is a matter of dispute between the Council and the other authority and the matter would affect the financial position of that other authority the Member may speak on the matter provided s/he immediately withdraws from the meeting room
- b) In relation to other matters affecting that other authority the Member may speak and vote.

8. ETHICAL REGIME – WEB PAGES

The Monitoring Officer submitted a report which presented for Members' consideration proposed amendments to the Council's web pages which explain to the public the new ethical regime and how to make a complaint about a Member thought to be in breach of the Code of Conduct. Members noted that the new pages were based largely on the previous versions, but amended to take account of changes to legislation and local procedures. Subject to a number of minor typographical amendments, the content of the proposed web pages was approved.

RESOLVED –

- (1) That the content of the report be noted.
- (2) That, subject to a number of minor typographical amendments, the content of the proposed web pages be approved.

9. ROLE OF THE INDEPENDENT PERSON

The Monitoring Officer submitted a report which set out for Members' information details of the new role of "Independent Person" introduced by the Localism Act 2011. Members welcomed the report, and the contribution which would be made by Independent Persons to accountability and independence within the Council's ethical framework.

RESOLVED: That the role of the Independent Person be noted.

The meeting commenced at 6.30 p.m. and finished at 7.34 p.m.