

Standards Committee – 31 July 2012

Minutes of the meeting of the **Standards Committee** held on **31 July 2012** when there were present:-

Chairman: Cllr Mrs M J Webster

Vice-Chairman: Cllr D Merrick

Cllr Mrs H L A Glynn

Cllr Mrs G A Lucas-Gill

Cllr T E Mountain

Cllr I H Ward

PARISH MEMBER

Cllr Mrs D Constable

INDEPENDENT PERSONS

Mr D J Cottis

Mr M G Drage

Mr S Shadbolt

Mrs L Walker

APOLOGIES FOR ABSENCE

Apologies for absence were received from District Cllrs C I Black and Mrs C M Mason and Parish Cllrs P A Beckers and Mrs L A Vingoe.

OFFICERS PRESENT

A Bugeja - Head of Legal, Estates and Member Services

M Power - Committee Administrator

170 MINUTES

The Minutes of the meeting held on 12 April 2012 were approved as a correct record and signed by the Chairman.

171 INTRODUCTION BY MONITORING OFFICER

The Monitoring Officer gave a verbal introduction on the new arrangements and role and function of the Standards Committee.

In response to questions, the following was noted:-

- The Council will publicise the new arrangements for dealing with 'standards' matters, which will include details of the role of the Independent Persons and how contact may be made with them by members of the public.
- The three Parish Members are co-opted members of the Committee. They have no voting rights but may participate in the Committee's

discussion and offer their knowledge of local affairs and a Parish Council perspective. Although the Independent Persons are not members of the Committee and do not have voting rights, they will be invited to attend all Standards Committee meetings to participate in discussion and offer advice.

- Independent Persons will have an advisory role. However, guidelines as to the form this advice should take are awaited from central Government and it was recognised that a protocol was needed to cover the operation of the Standards regime until these guidelines are received. The Monitoring Officer would produce an interim protocol for endorsement by the Standards Committee at its meeting on 4 October.
- In the meantime, it was agreed that if an independent person is contacted about a standards matter, he/she should advise the Monitoring Officer and, if appropriate, excuse him/herself from any further involvement in the matter. The independent Persons should be seen as a 'voice of reason' that is independent from political disputes.
- Central Government will review Standards 'arrangements' after they have been operating for a time.
- Although there is a legal requirement for each Council to appoint a minimum of one Independent Person, Rochford District Council saw value in appointing more than the minimum to discharge this role and, following the required advertisement, was pleased to appoint the four former Independent Members of the Standards Committee.

172 INVESTIGATION AND DETERMINATION OF COMPLAINTS

The Committee considered the report of the Head of Legal, Estates and Member Services, which detailed the revised rules of procedure for the investigation and determination of complaints against Members of the Council, following enactment of the Localism Act 2011, and which set out a programme for establishing a Standards Sub-Committee to act as a hearing panel.

Following discussion, the following was noted:-

- It was felt that if an Independent Person has had contact with any parties involved in a 'standards' dispute, this Independent Person should not be invited to attend a Sub-Committee as part of the hearing process.
- Although 'hearings' Sub-Committees could comprise three District Councillors with a reserve, rather than four District Councillors as proposed in the report, it was decided to adopt the structure as proposed in the report. It was noted that each Sub-Committee that is formed will appoint a District Council Member as Chairman for the meeting; in the event of a tied vote, the Chairman would have the casting vote but the decision recorded would be that of the Sub-Committee and would not

indicate the votes of individual Members. Once arrangements are in place they can be reviewed and, if appropriate, amended at a later date.

- The involvement of the Parish Councillor and the Independent Person in a hearing, albeit without voting rights, will provide an objective element to discussions.

Resolved

- (1) That the revised rules of procedure for the investigation and determination of complaints ('arrangements') to replace those currently in the Council's constitution be endorsed.
- (2) That a Standards Sub-Committee be established to hear allegations of breaches of the Code of Conduct by District and Parish/Town Council Members. The Sub-Committee to comprise four District Councillors, an Independent Person and a Parish Councillor. The membership of the Sub-Committee to be determined on a rota basis. (HLEMS)

The meeting closed at 8.28 pm.

Chairman

Date

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