

Standards Committee – 12 April 2012

Minutes of the meeting of the **Standards Committee** held on **12 April 2012** when there were present:-

Vice-Chairman: Cllr Mrs C A Weston

Cllr C I Black

Cllr D Merrick

Cllr Mrs H L A Glynn

INDEPENDENT MEMBERS

Chairman: Mr D J Cottis

Mr M G Drage

Mrs L Walker

PARISH MEMBERS

Cllr P Beckers

Cllr Mrs D Constable

Cllr Mrs L A Vingoe

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Mrs M J Webster and Mr S Shadbolt.

OFFICERS PRESENT

A Bugeja - Head of Legal, Estates and Member Services/Monitoring Officer
M Power - Committee Administrator

78 MINUTES

The Minutes of the meeting held on 6 October 2011 were approved as a correct record and signed by the Chairman.

79 LOCAL INVESTIGATIONS AND DETERMINATIONS – ANNUAL SUMMARY 2011/12

The Standards Committee received the annual summary of local investigations and determinations dealt with in the 2011/12 Municipal Year.

The Committee was pleased to note that very few investigations had come before the Committee during the year.

Resolved that the Annual Summary of Local Investigations and Determinations for the 2011/12 Municipal Year be received. (HLEMS)

80 THE LOCALISM ACT 2011 – THE NEW STANDARDS REGIME

The Committee considered the report of the Head of Legal, Estates and Member Services describing the changes and recommending the actions required for the Council to implement the new standards regime.

During discussion, the following was noted:-

- Regulations detailing how the new standards regime will operate should be available to be brought to the June 2012 meeting of the Standards Committee. Local authorities will develop their own procedures under the new system.
- Parish Councillors will be represented on the Standards Committee but will not have voting rights; District Council Members of the Committee only will be eligible to vote.
- Whilst both the Department of Communities and Local Government and the Local Government Association had recently published illustrative texts of what a code might look like, these represented broad statements of principle rather than specific detail and being deficient in a number of respects did not provide a reasonable basis for addressing Member conduct.

The Committee endorsed the proposed Code of Conduct, subject to inclusion of the word 'or' at the end of paragraph 4(a)(i).

With regard to Independent Persons, the Committee agreed that there would be value in having three appointees. This would facilitate interaction and avoid potential feelings of isolation. Three appointees would usefully increase the available resource, given the potential problems of conflict that could be associated with having only one Independent Person when the role includes being able to be consulted by both the District Council before reaching a finding and a Member against whom a complaint has been made.

The Independent persons' role would be shaped by experience of the new arrangements and the pending regulations but they could be invited to attend and observe hearings as well as meetings of the Standards Committee, but would not have the right to vote. It was hoped that collaboration with partner authorities could result in combined support and training for Independent Persons.

There is no prescribed level of remuneration for independent persons within the legislation; this will be a matter for individual authorities to determine; it is recommended that the initial level of allowance be devised by the Monitoring Officer, in consultation with the Chairman of the Standards Committee and the Leader of the Council.

Parish/Town Councils are obliged to maintain high standards and have a statutory obligation to adopt a Code of Conduct. It was confirmed that under

the new arrangements the Standards Committee will not have any powers to impose sanctions where a Parish/Town Council is found to have failed to comply with the Code of Conduct, only make recommendations to the Clerk of the Parish/Town Council. Parish/Town Councils can choose to be bound by any recommendation of the Standards Committee in respect of matters relating to the Code, which would add strength to the process. The Monitoring Officer would be discussing the proposals with the Rochford Hundred Association of Councils, at which Parish/Town Councils would be encouraged to adopt a consistent approach to the District Council Code.

Recommended to Full Council:-

- (1) That a Standards Committee comprising eight elected Members of the District Council, appointed proportionally, and three Parish Council co-opted non-voting Members be established to commence with effect from 1 July 2012. The Committee to deal with standards issues and associated case work and to continue the current Committee's involvement with Member training.
- (2) That Mr M Drage and Mrs L Walker be appointed as Independent Members of the Standards Committee for the 2012/13 Municipal Year up to 1 July 2012.
- (3) That authority be delegated to the Monitoring Officer, after consultation with the Chairman of the Standards Committee and the Leader of the Council, to amend the Code of Conduct to take account of the provisions of any forthcoming primary or subordinate legislation enacted and the publication of regulations relating to registration and disclosure.
- (4) That, subject to (3) above and inclusion of the word 'or' at the end of paragraph 4(a)(i), the Code of Conduct, as appended to the report of the Head of Legal, Estates and Member Services, be adopted to be effective from 1 July 2012 or such other date as may be appointed by the Secretary of State for the provisions of section 27 Localism Act 2011 to come into force.
- (5) That the current Member undertaking on acceptance of office regarding compliance with the Code of Conduct remains unchanged.
- (6) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct.
- (7) That authority be delegated to the Monitoring Officer, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. The Monitoring Officer to seek resolution of complaints without formal investigation wherever practicable, and to have discretion to refer decisions on an investigation to the Standards Committee where the Monitoring Officer feels that it would be inappropriate to take the decision, and to report annually to the Standards Committee on the discharge of this function.

- (8) That, where an investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer close the matter, providing a copy of the report and findings of the investigation to the complainant, to the Member concerned and to the Independent Person, and reporting the findings to the Standards Committee for information.
- (9) That, where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, seeks local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate, or not possible, the Monitoring Officer is to report the investigation findings to a Hearings Panel (Sub-Committee) of the Standards Committee for local hearing.
- (10) That authority be delegated to Hearings Panels (Sub-Committees of the Standards Committee) to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such decisions to include:-
- Reporting findings to the Council [*or to the Parish Council*] for information;
 - Recommending to the Member's Group Leader (or in the case of ungrouped Members, recommending to Council) that he/she be removed from any or all Committees or Sub-Committees.
 - Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Instructing the Monitoring Officer to [*or recommending that the Parish Council*] arrange training for the Member;
 - Removing [*or recommending to the Parish Council that the Member be removed*] from all outside appointments to which he/she has been appointed or nominated by the Authority [*or by the Parish Council*];
 - Withdrawing [*or recommending to the Parish Council that it withdraws*] facilities provided to the Member by the Council, such a website and/or email and Internet access; or
 - Excluding [*or recommending that the Parish Council exclude*] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (11) That the Monitoring Officer, in consultation with the Chairman of the Standards Committee and the Leader of the Council, be authorised to set the initial allowances and expenses for the Independent Persons and

that this function be subsequently delegated to the Standards Committee. In terms of appointment:-

- (a) The Monitoring Officer to advertise a vacancy for the appointment of three Independent Persons.
 - (b) A Panel, comprising three Members of the Standards Committee, be set up to short-list and interview candidates and to make recommendations to Council for appointment.
- (12) That the Monitoring Officer prepares and maintains a new Register of Members' Interests to comply with the requirements of the Act and the Council's Code of Conduct and ensure that it is available for inspection as required by the Act. The Monitoring Officer to also:-
- (a) Ensure that all Members are informed of their duty to register interests.
 - (b) Prepare and maintain new Registers of Members' Interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council, and ensure that it is available for inspection as required by the Act.
 - (c) Inform Parish Clerks on the new registration arrangements.
- (13) That the Constitution be amended to include a requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest, except where he/she is permitted to remain as a result of the grant of a dispensation.
- (14) That, in terms of the granting of dispensations:-
- (a) Authority be delegated to the Monitoring Officer to grant dispensations with an appeal to the Standards Committee in the following circumstances:-
 - That so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would 'impede the transaction of the business'.
 - That, without a dispensation, no member of the Cabinet would be able to participate in the matter.
 - (b) Authority be delegated to the Standards Committee, after consultation with an Independent Person, to grant dispensations in the following circumstances:-

- That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - That the Authority considers that the dispensation is in the interests of persons living in the Authority's area.
 - That the Authority considers that it is otherwise appropriate to grant a dispensation.
- (15) That appropriate adjustments be made to the Council's Constitution to reflect the above decisions and that the Monitoring Officer submit revised rules of procedure for the investigation and determination of complaints ('arrangements') to the meeting of the Standards Committee scheduled for 12 June 2012 for final endorsement. (HLEMS)

81 MEMBER LEARNING AND DEVELOPMENT 2012/13

Members are invited to give consideration to the proposals for the Member Learning and Development Programme for 2012/13.

It was noted that the response rate for completed Member self-assessment questionnaires is now just over 70%. Since the report was issued, additional courses have been added to the training programme in Part 1 and others moved to Part 2 of the programme, due primarily to changes in the timescale for enacting new legislation.

Following discussion of the introduction of a charge for Parish/Town Council attendance at District Council learning and development courses, the following points were made:-

- Charging may be more of a challenge financially for smaller Parish Councils. It was noted that Parish/Town Councils would continue to be invited to attend appropriate Member training events at no cost, where the training is on a topic where it would benefit the District Council for the Councils to attend.
- It was noted that Parish/Town Councils have access also to training under the Essex Association of Local Councils.
- Parish/Town Council attendees at training courses will be provided with course handouts; this information can then be relayed to the Clerk/other Members of the Parish/Town Council.
- It was noted that a special training session for all Members of the District to attend on the new Code of Conduct will be held when the regulations are available.

Standards Committee – 12 April 2012

It is proposed that the Committee **RESOLVES**

- (1) To receive the summary of Members' attendance at training sessions during the Municipal Year 2011/12 as set out in paragraphs 2.1 to 2.9.
- (2) To endorse the proposals for the Member Learning and Development Programme for 2012/13 as set out in paragraphs 4.1 to 4.19.
- (3) To note the introduction of a charge for Parish/Town Councils at those training courses that officers consider appropriate and to endorse a charge of £40 per person per session. (HLEMS)

The meeting closed at 9.09 pm.

Chairman

Date

If you would like these minutes in large print, Braille or another language please contact 01702 318111.