



MODERN LOCAL GOVERNMENT GROUP

11 July 2012 at 5.30 pm

Conference Room, Argyle Road, Sevenoaks

TO FOLLOW AGENDA

1. The Localism Act 2011 - The New Standards Regime – Appendix 1 – Task Group Notes 28 June 2012 (Pages 1 - 2)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

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The Democratic Services Team (01732 227241)

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Standards Task Group

Notes of the meeting held at 6 pm, 28 June 2012

Present: District Cllrs Mrs Bracken, Dickins, Mrs Morris, Mrs Purves and Underwood; Parish Cllr T Austin; Christine Nuttall (Monitoring Officer), Vanessa Etheridge and Doug Williamson (Democratic Services)

Apologies: Mr A Smith and Parish Cllr D Taylor.

1. Notes of the previous meeting

These had not been previously circulated but were tabled and noted.

2. Monitoring Officer's Draft Report – 'The Localism Act 2011 – The New Standards Regime'

The draft report had been circulated to all members of the Group prior to the meeting. The MO advised that the Chairman's emailed comments had been incorporated and the recommendation had been strengthened to state that the Group favoured the DCLG Code. After discussion the Group agreed that they wanted this strengthened further by removing the 'option' element and strengthening the recommendation so that it was made very clear to MLG and Council that the Group's advised choice (after extensive work carried out on the subject and gained expertise) was the DCLG Code, with the alternatives attached as appendices for information in order to show what else had been considered. **Officers to consider appropriate wording.**

With reference to paragraph 8 of the draft report, the Group confirmed that they had ruled out the need to explicitly draw reference to bullying as previously discussed and agreed that the other provisions covered this area. The MO advised that paragraph 8 merely pointed out, as per legal advice, that the Bob Neill Code (DCLG Code) did not make provision for a lack of respect, bullying and disrepute. An email was read out to the Group from Mr A Smith who had not been able to attend the meeting but had asked for his thoughts to be passed on which included concern that bullying was not being specifically included. The Group further discussed this issue and agreed that whilst the issue was not specifically covered they were implied and the provisions within the code could arguably be construed to cover the issues. **Paragraph 8 be amended to reflect that the provisions are not 'explicitly' covered.**

The Group discussed the need for constituting the Group within the Standards Committee Terms of Reference. It was agreed that this was not necessary as a Group could be reconstituted at the first meeting of the Standards Committee.

Looking at the amended draft proposed code, the Group were concerned that they had not yet had the chance to look in depth at the relevant codes and protocols this wording referred to. It was agreed that this was something that would need looking at in more detail by the Group when reconstituted under the new Standards Committee. It was therefore agreed to amend the first highlighted amendment to '*..have due regard to local codes and protocols in effect from time to time...*' to cover this.

(Cllrs Dickins and Mrs Purves left to attend Development Control Committee at 6.53 pm)

Agenda Item 1

Looking at the Assessment Criteria, the MO thanked the Chairman for her suggestions which had been included and welcomed additional feedback from other members. However if there were a lot of changes made, the report may not make the agenda print deadline. After discussion it was agreed that the wording itself was fine but needed setting out more logically. It was agreed that the present wording be used but reformatted under the sub categories suggested by the Chairman of: Sufficiency of Complaint; Nature of Allegation; Evidence; Suitability for Investigation; Defences; Prospects of Success; and Extenuating Circumstances. Overall the Group were happy with the test but wished to see it divided better from the assessment criteria. It was also agreed that it should be made very clear that the person being complained about would receive a copy of the complaint and all supporting documentation, and that this should be highlighted in the report as a key alteration. With reference to the purdah period, it was agreed that this should be stated in the procedure (Appendix 4) as well. It was further agreed that the Hearing Panel's considerations mirror the assessment criteria.

The Group were happy with the Complaint Form, and acknowledged that this could be monitored. With reference to Appendix 4 page it was agreed that there should be no ambiguity that the MO could be instructed to do training and therefore this should be removed. The MO explained the reasoning behind the three Leaders appointing the independent member. She explained that it was a Council rather than executive appointment, and that the MO should have no role in the appointment. It was agreed that this could be monitored. **MO to flag this up with Cllr Fleming.** It was agreed that this should be an annual appointment (municipal year). **MO to check that this period was stated in the paperwork.**

There was some discussion on the requirement to leave the room after declaring a pecuniary interest. In response to questions the MO advised that an email had been sent to all Town and Parish Councils on 20 June 2012 with the new Register of Interests form template attached. The MO reported that some of the new forms had been submitted.

3. Next Steps

- MO to work on redrafting the report and associated documents.
- A meeting of the new Standards Committee to be scheduled for immediately after Full Council on 24 July 2012 to reconstitute a Task Group, with the next meeting after that being left in the Calendar as 24 January 2012.
- Paper copies of the new interests forms to be placed in Members' pigeon holes, to ensure that all Councillors had received one.

4. Record of Thanks

The Group wished to record their thanks to Officers for all their hard work.

The meeting finished at 8.05pm.