

STANDARDS COMMITTEE

Minutes of the meeting held on 24 January 2013 commencing at 7.00 pm

Present: Cllr. Firth(Chairman)

Cllr. Ball (Vice-Chairman)

Cllrs. Mrs. Bracken, Dickins, Mrs. Dibsall and Gaywood

Apologies for absence were received from Cllr. Mrs. Purves

1. Appointment of Chairman and Vice-Chairman

Councillor Gaywood proposed and Councillor Bracken seconded that Councillor Firth be appointed Chairman for the 2012/13 municipal year.

(Councillor Firth in the Chair)

Councillor Bracken proposed and Councillor Mrs Dibsall seconded that Councillor Ball be appointed Vice-Chairman for the 2012/13 municipal year.

2. Minutes

Referring to Minute 16, the Chairman noted that the Monitoring Officer had been awaiting further regulations on disclosable pecuniary interests to be announced by the Secretary of State and questioned whether the Regulation had been published. The Monitoring Officer confirmed that they had been published and were reflected in the Code of Conduct approved by Full Council on 24th July 2012.

In response to another question, the Monitoring Officer confirmed that the District Council was maintaining a separate register of interests for Town and Parish Council's.

The Chairman questioned whether many different codes of conduct had been adopted across the District. A Councillor who sat on the Standards Task and Finish Group reported that after thorough investigation the District Council had adopted the DCLG ('Bob Neill') Code. The National Association of Local Councils (NALC) had also published a model Code of Conduct and a number of the Parish and Town Councils had adopted this. The different model codes of conduct had been set out in the report to Full Council on 24th July 2012. Another Member who had sat on the Standards Task and Finish Group reported that in an ideal world one Code of Conduct would have been adopted across the District however, this had not happened. In time it would be prudent to undertake a full review of the system and identify where there were areas for improvement.

The Committee agreed that in time it could be helpful to constitute a smaller task and finish group to consider other secondary codes that may be needed, such as gifts and hospitality. Membership for the group would be drawn from the Standards Committee.

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Resolved: That the minutes of the Standards Committee held on 26 January 2012 be approved.

3. Declarations of interest

There were no additional declarations of interest.

4. Monitoring Officer's Annual Report

The Committee considered the eighth Annual Report of the Monitoring Officer which provided an overview of the work of the Monitoring Officer, the work of the Standards Committee and general governance arrangements within the Council in the past year. The report set out the Monitoring Officer's statutory responsibilities and summarised how the duties had been discharged during 2012.

The Monitoring Officer highlighted that there had been a number of changes over the past year and, thanks to the work of the Standards Task and Finish Group, the transition to the new standards regime had been seamless.

A Member who has also been a member of the Standards Task and Finish Group reported that the new standards regime was underpinned by the basic principle that Parliament was not interested in minor tit-for-tat complaints but was mainly interested in financial fraud. The Member also highlighted that as a result of the Localism Act 2011 there were only limited sanctions for members who were found to have breached the Code of Conduct.

Following a discussion on the sanctions that were available it was agreed that the Portfolio Holder for Safer Communities would circulate the advice given by Clive Sheldon QC regarding sanctions.

Another Member questioned whether there was anything more that the District Council could do to encourage Parish and Town Councils to adopt one single Code of Conduct across the District. The Committee asked the Monitoring Officer to write to the Clerks and Chairmen of Parish and Town Council asking what Code of Conduct their Councils had adopted.

In response to a question regarding the nature of complaints made to the Local Government Ombudsman the Monitoring Officer circulated the letter from the Local Government Ombudsman outlining the types of complaint that had been received. The Monitoring Officer also reported that the Customer Services Manager could circulate some further information to Members of the Committee as long as there was no breach of data protection. The Chairman stressed that it was important for the Standards Committee and the Performance and Governance Committee to receive detailed information of the complaints that were investigated by the Local Government Ombudsman.

A Member also highlighted that the list of meetings on page 21 of the report reflected only the statutory meetings held by the Council. In addition to the 82 meetings listed, there were also working group meetings, briefing meetings and the Standards Task and Finish Group meetings which were all serviced by Officers. The Member stressed the need for Councillors to bear in mind the costs involved in requests that were made to

officers and ensure that member governance structures were cost effective and sustainable.

The Committee thanked the Monitoring Officer for the concise and comprehensive report and the work that she had undertaken over the previous year.

Resolved: that

- (a) The Monitoring Officer's Annual Report be endorsed; and
- (b) Full Council be recommended to endorse the Monitoring Officer's Annual Report.

5. Review of the New Standards Regime

New Standards Arrangements were approved by Council on 24 July 2012 following the implementation of the Localism Act 2011 and supporting legislation. Council on 24 July 2012 agreed that the Standards Committee and/or the Modern Local Government Group keep the Code and Arrangements under review and report further to the Council as is considered necessary. The Committee considered a report setting out how the new regime was working and proposing minor amendments by way of a desk top review from experience to date.

The Monitoring Officer reported that although there had been an increased number of complaints against town and parish councillors she felt that this had nothing to do with the new procedures and it appeared that the initial intake test was working well.

The Committee considered the processes of the initial intake test in detail and a Member suggested that the 'private capacity test' be moved into the initial intake test.

The Committee also agreed that the timescales for submitting complaints should be reduced to 30 days as this should give complainants more than enough time to gather evidence and draft their complaint. Members also agreed that the wording regarding the six week election period should be tightened to only include elections in which the Subject Member or the complainant were participating.

In response to a question surrounding the proposed changes, the Monitoring Officer confirmed that on 24 July 2012 Full Council had delegated authority for minor consequential changes to be made to the processes and procedures.

The Committee also considered issues surrounding vexatious complaints and the Portfolio Holder for Safer communities suggested that it would be helpful for the Monitoring Officer to develop a vexatious complaints procedure and report back to the Standards Committee.

The Monitoring Officer also sought approval to advertise for another Independent Person as the term of office of the current Independent Person would end in June 2013 and it would be beneficial for there to be a period of work shadowing.

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The Committee asked the Monitoring Officer to provide some additional training to new Members of the Standards committee on the new standards regime and processes as this would help new Members who may be required to consider complaints in the future.

Members thanked the Monitoring Officer for the comprehensive report and all the work that had gone into developing the new standards processes.

Resolved: That the following minor consequential changes be made to the Council's new processes and procedures in relation to the new standards regime as follows:

- a) The criteria in relation to the Initial Intake Test be strengthened by the following amendments being made:
 - The behaviour took place within the last 30 days
 - The complaint is not being made within 6 weeks prior to an election where the Member subject to the complaint or the complainant is a candidate (no action will be taken in relation to such a complaint within this period)
 - The Member was acting in their official capacity. (If there is ambiguity the box should still be ticked and the matter assessed).
 - The complaint is a substantive allegation under the Code rather than a service, officer or a statement of policy disagreement or a disagreement within another organisation, such as a political group (in this case the complainant may be directed to refer the complaint to another organisation).
- b) The relevant Clerk be informed of a complaint relating to a Town or Parish Councillor when a complaint passes the Initial Intake Test.
- c) The Monitoring Officer advertises for an additional Independent Person, who would meet the legal criteria for appointment beyond 1st July 2013.

6. Dispensation in Relation to Setting the Council Tax or a Precept

The Monitoring Officer explained that there had been some suggestion that Members would require a dispensation in order to consider Council Tax Setting over the coming weeks as they could potentially have a Disclosable Pecuniary Interest if they owned a property within the area for which the Council Tax was being considered. There had been legal advice on this from the National Association of Local Councils (Nalc) and The Association of Council Secretaries and Solicitors (Acscs) although it was felt that some additional clarification was needed.

The Portfolio Holder for Safer Communities highlighted that the former Minister responsible for the Localism Act, Bob Neill, had taken the very robust view that Councillors, in considering council tax, did not have Disclosable Pecuniary Interests and would therefore not need dispensations. The Member highlighted that it was never the

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intention of Parliament for every Member voting on Council Tax setting to have a Disclosable Pecuniary Interest.

The Committee agreed that if Clerks of Parish and Town Councils requested advice on this they could be signposted to the advice that was currently available on the need for granting dispensations when setting their precept.

However the Committee did not feel that there was any need for the Monitoring Officer to grant dispensations to Members when debating and voting on setting the Council Tax for the District.

The Committee thanked the Portfolio Holder for Safer Communities for the research that she had undertaken on this matter.

THE MEETING WAS CONCLUDED AT 8.40 PM

CHAIRMAN