

# Standards Committee Minutes

Date: 11 March 2014

Time: 6.30 - 7.35 pm

**PRESENT:** Councillor Mrs L M Clarke OBE (in the Chair)

Councillor I Bates, G Houalla, Parish Cllr Mrs N Howard, Councillor Mrs G A Jones, M Pearce, Councillor J A Savage, Councillor D A C Shakespeare OBE, Parish Cllr J Sherlock, Parish Cllr Mrs V Smith, Councillor Ms J D Wassell and Councillor R Wilson

## 6 CHAIRMAN'S WELCOME

The Chairman welcomed representatives from Wycombe District Parish Councils and other members of Wycombe District Council, who had been invited to join the meeting to hear the District Solicitor's presentation on the Localism Act 2011 Standards Regime and its implementation in Wycombe.

The Chairman welcomed Parish Councillor Mrs Natasha Howard from Hazlemere Parish Council, who had been nominated by Wycombe District Association of Local Councils (WDALC) to replace Parish Councillor Dallas Banfield as a parish council observer.

## 7 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D J Carroll.

## 8 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 9 MINUTES OF PREVIOUS MEETING

**RESOLVED:** That the minutes of the meeting of the Committee held on 4 June 2013 be approved as a true record and signed by the Chairman.

## 10 LOCALISM ACT 2011 - STANDARDS REGIME

The Committee received a presentation from the District Solicitor on the current Localism Act 2011 standards regime and how the new standards arrangements have operated at Wycombe since they were introduced in July 2012.

It was noted that the new regime introduced in July 2012 imposed a duty on councils to promote and maintain high standards of conduct by elected and co-opted members when acting in that capacity. Councils were required to adopt a new Code of Conduct dealing with the conduct which is expected of members and

consistent with the seven Nolan Principles. It does not apply to conduct in a private capacity, although imprisonment for three months or more results in disqualification as a councillor. The new Code also required inclusion of appropriate provisions for the registration and disclosure of Pecuniary Interests and Other Interests.

One of the key aims of the new regime was to make it easier to deal with frivolous or politically motivated complaints, and to provide discretion to the Monitoring Officer to reject some complaints, such as those relating to a member's personal life and anonymous complaints. It removed the requirement for a statutory Standards Committee, and also the power to impose sanctions.

The District Solicitor outlined the framework for general conduct within Wycombe District Council's own Code of Conduct, highlighting in particular that it includes a requirement to respect others and not bully any person, and to respect the confidentiality of information which may be received by members. Further clarification was also provided in relation to the distinction between Disclosable Pecuniary Interests and Other Interests: the former being required to be disclosed within a member's Register of Interests and requiring withdrawal from participating when matters where a member has a DPI are discussed.

It was noted that the Code also requires notification to the Monitoring Officer (within 28 days) of receipt of any gift, benefit, or hospitality worth more than £50.

The District Solicitor also outlined the arrangements under the new regime in relation to the treatment of Standards Complaints: in particular Wycombe's retention of a voluntary Standards Committee and the valuable role of the Independent Persons. It was noted that there is a requirement to consult one of the Independent Persons before the authority takes a decision on any allegation it has decided to investigate, and that the Independent Person's view *must* be taken into account.

Finally, the District Solicitor clarified the situation with regard to pre-determination, highlighting that a decision maker is not to be assumed to have a 'closed mind' just because he or she has previously expressed his or her view on a matter; however, members *must not* have a closed mind when casting their vote.

Following the presentation the District Solicitor responded to members' individual queries relating to implementation of the Code, and was thanked by members for a comprehensive and informative presentation.

## **11 COMPLIMENTS, COMPLAINTS & COMMENTS Q3**

The Committee received quarterly statistics relating to compliments, complaints and comments about the Council's services, covering the period 1 October 2013 to 31 December 2014 (Quarter 3). The Committee was invited to note the information, and to consider recommending the adoption of revised terms of reference to allow for future reports on compliments, complaints and comments to be provided by means of an Information Sheet to members of the Standards Committee and Cabinet.

In response to a query on the figure for complaints relating to Council Tax (10), it was clarified that 'In Target' and 'Out of Target' referred to whether the complaint had been answered within the 10 working day target.

**RESOLVED:**

(i) That the information in relation to compliments, complaints and comments for the period 1 October 2013 to 31 December 2013 be noted;

(ii) That the adoption of revised terms of reference for the Standards Committee to allow for future compliments, complaints and comments information to be provided by means of an Information Sheet to members of the Standards Committee and Cabinet, be recommended to the Regulatory and Appeals Committee.

**12 UPDATE ON STANDARDS COMPLAINTS**

The Committee received an updated list of standards complaints which had been dealt with under the new Standards regime since its introduction in July 2012. It was noted that none of the complaints listed had been considered serious enough to warrant investigation, and that the number of complaints which had been reported since the list had last been reviewed by the Committee was small. The District Solicitor reported that a couple of new complaints had very recently been received; however it was currently too early within the process to determine whether these would need to be referred for investigation.

**RESOLVED:** That the updated list of Standards complaints dealt with under the new regime since its introduction in July 2012 be noted.

**13 RETIREMENT OF THE DISTRICT SOLICITOR**

The Chairman informed the Committee that the District Solicitor and Monitoring Officer, David Ruddock, was retiring from the council on 14 March 2014, after 26 years' service. The Chairman wished to place on record the Committee's appreciation for his advice and support – both to the Committee and to individual Members – during his service as District Solicitor, and for his work to ensure the robustness and effectiveness of the Council's Standards framework. This was endorsed by Members, and the Committee wished him well in the future. The Committee also welcomed Julie Openshaw, who would be taking over as District Solicitor and Monitoring Officer, to her first meeting.

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Chairman

**The following officers were in attendance at the meeting:**

- Emma Lund - Democratic Services
- Julie Openshaw - District Solicitor Designate
- David Ruddock - District Solicitor