

Standards Committee Minutes

Date: 9 June 2015

Time: 6.15 - 7.50 pm

PRESENT: Councillor C Etholen (in the Chair)

Councillor Mrs J A Adey, Councillor S Broadbent, Councillor A R Green, G Houalla, M Pearce, Councillor R Raja, Councillor J A Savage, Parish Cllr Mrs V Smith, Parish Cllr Mr B Swain and Councillor Ms J D Wassell, Councillor H L McCarthy

Apologies for absence were received from Councillor M Clarke and Councillor Mrs G A Jones

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on 10 March 2015 be confirmed as a correct record and signed by the Chairman.

3 REVIEW OF CODE OF CONDUCT FOR MEMBERS AND STANDARDS COMPLAINTS ARRANGEMENTS

Following the decision at the meeting on 10 March 2015 that a further report be brought to the Committee to consider amendments to both the Code of Conduct and standards complaints arrangements, a report was presented which put forward more detailed measures to improve and strengthen the Council's standards regime. The District Solicitor and Monitoring Officer clarified that whilst the Council's current Code and complaints process were lawful and broadly in line with other authorities, the proposals were measures which had been highlighted through Hoey Ainscough's review which the committee could consider in order to further improve and reinforce the Council's Member standards and ethics provisions.

In debate it was highlighted that the membership of the Committee had changed following the recent elections, and that the new membership did not necessarily hold the same views as had been expressed by the Committee previously in relation to revising the Code. Some Members questioned the rationale for seeking to change the Code in light of the fact that it currently appeared to be working well and was lawful; the suggested changes seemed counter to the government's move towards a 'lighter touch' on standards issues; and some of the suggested changes seemed to require a more stringent approach than the legislation demanded.

In relation to the proposals to arrange quarterly meetings for the Monitoring Officer, Independent Persons, and Chairman and Vice-Chairman of Standards Committee

to review recent decisions in order to ensure consistency between cases, and to bring regular quarterly reports to Standards Committee on case numbers and types so as to highlight any emerging trends, some Members cautioned against sharing this information too widely, citing that some complaints may be malicious in intent, and complaints information could find its way into the public domain to be used for political gain.

In relation to the proposal to recommend to Council that a list should be published of Members who have agreed to abide by the Code of Conduct, the need for Members to be accountable to themselves and their own consciences was highlighted, and it was suggested that agreement to abide by the Code of Conduct should be assumed on the taking of office as part of the organisational culture without the need for a formal signature. However, the need for Members not only to avoid wrongdoing, but also the *appearance* of wrongdoing in the public perception was also stressed. Members also cautioned against making the Code overly-complicated.

All of the proposals contained within paragraphs 5 and 9 of the report were put to the vote and it was

RESOLVED:

- (i) That all proposals outlined in paragraphs 5 and 9 of the report be put forward for consultation with all Wycombe District Council Group Leaders, Buckinghamshire County Council, and all District Councils in Buckinghamshire, subject to an amendment to 9(iii) to remove the words '*....and who have not done so.*'
- (ii) That the Independent Persons be added to the consultees in (i) above.
- (iii) That a further report detailing the results of the consultation be brought to the Committee.

4 COUNCIL TAX SETTING - DISPENSATIONS UNDER THE LOCALISM ACT

The Committee considered a report which sought approval to delegate authority to the Monitoring Officer, under Section 33 of the Localism Act 2011, in consultation with one of the Independent Persons appointed by the Council, to grant dispensations to the District and Parish Council Members in relation to the setting of Council Tax, such dispensation to apply for the remainder of the Council term, i.e. until May 2019.

The Monitoring Officer clarified that it is a matter of interpretation as to whether Members have a Disclosable Pecuniary Interest (DPI) in the decision to set the Council Tax as a result of any beneficial interest they may have in land within the District, and the same issue arises for town and parish councillors in respect of setting the parish precept. The DPI Regulations issued by the government in June 2012 do not contain an express exemption for setting Council Tax or parish precepts, whereas this did exist under the old model Code of Conduct. Delegating authority to the Monitoring Officer, in consultation with one of the Independent

Persons, to grant dispensations represented a 'belt and braces' approach to safeguard Members against any possibility that they could be illegally voting on a matter in which they might be regarded as having a DPI.

It was noted that under the former legislation dispensations were granted by the Standards Committee. The Localism Act 2011 gave discretion for this power to be delegated either to the Standards Committee or a sub-committee, or to the Monitoring Officer, and in July 2012 Council had delegated the power to grant dispensations to the Standards Committee after consultation with the Independent Person. Standards Committee had agreed a similar delegation to the Monitoring Officer in 2013, which expired in May 2015.

RESOLVED: That authority be delegated to the Monitoring Officer under Section 33 of the Localism Act 2011, in consultation with one of the Independent Persons appointed by the Council, to grant dispensations to District and Parish Council Members in relation to the setting of Council Tax, such dispensations to apply for the remainder of the Council term, i.e. until May 2019.

5 UPDATE ON STANDARDS COMPLAINTS

The Committee received a report which provided an overview of complaints about Member conduct since the last report to the Committee on this subject in March 2014.

The Committee heard that five complaints had been received in the period since March 2014, two of which had been considered jointly as they related to the same Member and had been made by the same complainant. None of the five complaints had been considered serious enough to warrant investigation.

The District Solicitor and Monitoring Officer informed the Committee that the relatively small number of complaints demonstrated that in general ethical standards are being taken seriously by both District and Town and Parish Council members, and indicated that the process for handling complaints was robust and working well. It was noted that further update reports would continue to be provided to the Committee on a regular basis.

RESOLVED: That the report be noted.

6 CHAIRMAN'S CLOSING REMARKS

The Chairman reminded Members that Peter Keith-Lucas, a specialist adviser to local authorities on standards issues, would be giving a presentation on Monday 29 June at 7.00pm as part of the new member induction sessions. Members were encouraged to attend.

The Chairman reported that Natasha Howard, formerly a Parish Council observer on the Committee, was no longer eligible to serve having not stood for re-election. It was noted that a replacement parish council observer would be sought.

Chairman

The following officers were in attendance at the meeting:

Emma Lund - Senior Democratic Services Officer
Julie Openshaw - District Solicitor