

Standards Committee Minutes

Date: 24 January 2012

Time: 6.15 - 7.00 pm

PRESENT: Mrs E Mrs E Springford (in the Chair)

Revd Revd G Hargrove, Mr D Sainsbury, Parish Cllr J Sherlock and Ms J D Wassell,

Apologies for absence were received from Parish Councillor D Parish Cllr D Banfield, D J Carroll, Mrs G A Jones, J A Savage and Parish Cllr Mrs V Smith

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

8 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes of the meeting of the Committee held on 7 June 2011 be approved as a true record and signed by the Chairman.

9 THE LOCALISM ACT 2011 - THE NEW STANDARDS REGIME

The District Solicitor spoke to his report included in the agenda, which updated the Committee on the termination of the current Standards regime and the subsequent new arrangements effective under the Localism Act. The key dates in respect of these changes were:

- From 31 January 2012 no new complaints would be received by Standards for England
- On 31 March 2012 'Standards for England' would cease to exist; and
- The standards provisions in the Localism Act would come into force on 1 July 2012.

As from 1 July 2012 every authority would be under a duty to promote and maintain high standards of conduct by elected and co-opted members. All standards matters, including the determination of any outstanding standards complaints would become the responsibility of the authority and would be determined under the new arrangements that are required to be in place by that date.

The Councils statutory Standards Committee, as it currently existed, would be abolished as from 1 July 2012 and any voluntary Standards Committee or Sub-

committee established thereafter by the Authority would be an ordinary committee or sub-committee established under S101 and S102 of the Local Government Act 1972, and subject to proportionality. Any new committee would assist in discharging the duty of the authority to promote and maintain high standards of conduct, along with arrangements for regulation, albeit such is limited in scope.

The District Council would still remain responsible for administering the standards arrangements for parish and town councils within their boundaries.

The role of the Independent Member has changed in that he or she would have no voting rights on any Committee established, and cannot have served as a Independent Member of any existing Standards Committee for the same authority in the last 5 years. The role was more consultative, as the Independent Member would have to be approached for his or her views before a District Council took any decision on any allegation it decided to investigate. Similarly the subject member of a complaint would have the right to consult the Independent Member.

Each authority, including parishes, was required to adopt a Code of Conduct, which would only apply to Members and Co-opted Members when acting in their capacity as a Member or Co-opted Member. Private life would not be covered.

Importantly the requirement for members to give an undertaking to comply with the Code of Conduct had been removed, although it might be considered reasonable to expect members to comply.

Personal and Prejudicial Interests were replaced with disclosed pecuniary interests, non-disclosed pecuniary interests and non-pecuniary interests. The register of interests requirement for Members remained largely unchanged.

The new arrangements were very much based on the Seven Principles of Public Life as set out by the Nolan Committee of:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership

Members made a number of points and raised queries upon which clarification was given as follows:

- It was confirmed that the early stages of the current complaints regime (the initial assessment and review) would cease, to be replaced by a more consultative process.
- Experienced Independent Members under the current regime could not carry out the new Independent Members role for neighbouring authorities.

- The various consultative roles to be carried out by the new Independent Member would mean reserves could be required for when the initially consulted Independent Member was conflicted out.
- The new rules on predetermination were explained: the decision maker was not to be regarded as having a closed mind just because he or she had previously done anything relevant to the decision that indicated what view he or she took or might take in relation to a matter.
- A common code of conduct certainly amongst Wycombe's authorities if not across Buckinghamshire was desirable from an administrative and resource point of view. A myriad of codes would be time consuming and costly.
- The new obligation to post members register of interests to the website of the appropriate authority was commented on.
- The sanctions available to a Standards Committee under the new arrangements were not substantial. Removal of a member from a committee required agreement of the Full Council meeting of the appropriate authority.

Members noted that there remained a number of outstanding details in respect of the new arrangements, which had to be forthcoming before any detailed recommendations could be drafted. The draft model arrangements appended to the report were seen as currently incomplete and requiring some additional editing. It was indicated by officers that a valid series of recommendations should be ready for the next Standards Committee Meeting of 27 March 2012 for onward recommendation to Full Council.

RESOLVED: That the update on the Localism Act 2011 – the New Standards Regime be noted.

10 COMPLAINTS/COMMENTS/COMPLIMENTS - INFORMATION AND IMPROVEMENTS

The meeting had before it the report and extensive appendices in respect of complaints, compliments and comments received for the first two quarters of the financial year 2011-12.

Members had read through the data and were delighted that once again compliments outnumbered complaints.

A Member enquired whether there were any trends or features in the report that gave officers cause for concern, aware that management of comments by exception was seen as good practice. Officers confirmed that no such worries existed.

RESOLVED: That the Monitoring of Complaints, Comments and Compliments Report for the First

and Second Quarters 2011-12 and the data and charts contained therein be noted.

11 MINUTES OF LOCAL STANDARDS HEARING PANELS

The minutes of the Local Standards Hearing Panels of 16 March, 20 June, 22 September and 18 October 2011 were appended to the agenda for the Committee's consideration.

RESOLVED: That the minutes of the Local Standards Hearing Panel Meetings of 16 March, 20 June, 22 September and 18 October 2011 be noted.

Chairman

The following officers were in attendance at the meeting:

Peter Druce - Democratic Services
David Ruddock - District Solicitor