

Standards Committee Minutes

Date: 27 June 2012

Time: 6.15 - 7.25 pm

PRESENT: Mrs E Springford (in the Chair)

Parish Cllr D Banfield, Revd G Hargrove, Mr D Sainsbury, Councillor J A Savage, Parish Cllr J Sherlock, Parish Cllr Mrs V Smith and Councillor Ms J D Wassell,

Apologies for absence were received from Councillor D J Carroll, Councillor Mrs G A Jones and Mr B Morgan-Timms

1 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes of the meeting of the Committee held on 27 March 2012 be approved as a true record and signed by the Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 THE LOCALISM ACT 2011 - THE AMENDED STANDARDS REGIME

The District Solicitor presented a comprehensive report to the Committee on the new Standards regime which the Government intended for implementation from 1 July 2012. The report detailed the changes and recommended the actions required for the Council to implement a new local Code and supporting framework, including the appointment of independent persons to assist with any complaints.

The District Solicitor commented that he had consulted with other authorities' Monitoring Officers across Buckinghamshire with regards to the interpretation and implementation of the regime. It was noted that there would be a Members' Seminar on the 11 July before recommendation to full Council on 31 July 2012.

After 1 July 2012 the Council was not required to have a Statutory Standards Committee (i.e. this Committee) therefore any Standards work could be delegated to an existing Council committee or new Council committee or Sub-Committee

The District Solicitor put each recommendation to the Committee; the following amendments were proposed and agreed:

Recommendation

The District Solicitor recommended that the Political group leaders should be consulted before referral to Council.

- That Recommendations 1 to 7 featured below be adopted in respect of the Council's Code of Conduct and Standards Regime, **subject to consultation with the political group leaders having been undertaken.**

Recommendation 1

- a. That the Council establish a Standards Committee comprising eight elected members of the District Council, appointed proportionally (currently 6 Conservative, 1 Labour and 1 Liberal Democrat).

Recommendation 2

The Committee suggested that the amount to be declared for gifts and hospitality should be amended to £50 and felt that it would be appropriate to have an additional Appendix included in the Code of Conduct to include other interests.

- a. That Council adopt the Code of Conduct set out in Appendix A to these minutes, **subject to an amendment to Section 5 Gifts and Hospitality paragraph 5.1 being amended to £50 rather than £100 in which a Member must declare the gift or hospitality and the addition of another Appendix in the Code of Conduct to include other interests**

Recommendation 3

The following amendment was made to recommendation 3g

- g. That Council delegate to the Hearings Panel of the Standards Committee such of its powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –
 - Recommending to the Member's Group Leader (or in the case of independent Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council (**but not full Council**);
 - Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Instructing the Monitoring Officer to (or recommending that the Parish Council) arrange training for the Member;
 - Removing (or recommending to the Parish Council that the Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council);
 - Withdrawing (or recommending to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

- Excluding (or recommending that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Committee raised various questions and received clarification including, whether Parish Councillors' could sit on the Standards Hearing Sub Committee. The District Solicitor commented that he would investigate if this was acceptable and responded in due course.

After due consideration, the Committee agreed all the recommendations subject to the amendments listed in the recommendations below.

Recommendation

That subject to any comments from the political Group Leaders the recommendations 1 to 7 featured below be adopted in respect of the Council's Code of Conduct and Standards Regime:

Recommendation 1:

- a. *That the Council establish a Standards Committee comprising eight elected Members of the District Council, appointed proportionately currently 6 Conservative, 1 Labour and 1 Liberal Democrat).*
- b. *That the Leader of the Council be requested to nominate to the Committee one Member who is a member of the Executive; and*
- c. *That the Parish Councils be invited to nominate a maximum of three Parish Councillors to be co-opted as non-voting members of the Committee.*

Recommendation 2:

- a. *That Council adopt the Code of Conduct set out in Appendix 4A (as amended) to the report to the Committee; and*
- b. *That the Standards Committee undertake a review of the code in six months' time so that any changes can be made in the light of operational experience.*

Recommendation 3:

- a. *That the Council adopt the Arrangements for dealing with standards allegations as set out in Appendix C to the Monitoring Officer's report.*
- b. *That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;*

- c. *That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation;*
- d. *That the Monitoring Officer be authorised to seek resolution of complaint without formal investigation wherever practicable, that he be given discretion to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision, and that he report annually to the Standards Committee on the discharge of this function;*
- e. *Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be authorised to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the Member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;*
- f. *Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, he is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;*
- g. *That Council delegate to the Hearings Panel of the Standards Committee such of its powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –*
 - *Recommending to the Member's Group Leader (or in the case of independent Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees) of the Council (but not full Council) ;*
 - *Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;*
 - *Instructing the Monitoring Officer to (or recommending that the Parish Council) arrange training for the Member;*
 - *Removing (or recommending to the Parish Council that the Member be removed) from all outside*

appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council);

- *Withdrawing (or recommending to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or*
- *Excluding (or recommending that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.*

Recommendation 4:

That Council appoint such person(s) as Independent Person(s) as the Monitoring Officer shall recommend.

Recommendation 5:

- a. *That the Monitoring Officer prepare and maintain a new register of members interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;*
- b. *That the Monitoring Officer ensures that all Members are informed of their duty to register interests;*
- c. *That the Monitoring Officer prepare and maintain new registers of members' interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act; and*
- d. *That the Monitoring Officer arrange to inform Parish Clerks on the new registration arrangements.*

Recommendation 6:

That an additional Procedural Standing Order be adopted which equates to the current Code of Conduct requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he/she is permitted to remain as a result of the grant of a dispensation.

Recommendation 7:

That Council delegate the power to grant dispensations to the Standards Committee, after consultation with the Independent Person.

4 COMPLAINTS/COMMENTS/COMPLIMENTS REPORT Q4 2011-12

The Committee considered the comprehensive report in respect of Complaints, Comments and Compliments for the 4th Quarter (1 January to 31 March 2012). Officers indicated in response to a Member question that there were no exceptional issues that required the particular attention or consideration of the Committee.

RESOLVED: That the Monitoring of Complaints, Comments and Compliments report for the 4th Quarter 1 January to 31 March 2012 and the data and charts contained therein be noted.

5 CLOSE OF MEETING

The Committee was informed that the training recommended by the Local Standards Hearing Panel held on 10 May 2012 reference IA54 had been held on 25 June and the case had now been closed.

Thanks were expressed to the Chairman of the Standards Committee and members of the Standards Committee for their contribution to the Committee over the years.

Chairman

The following officers were in attendance at the meeting:

Catherine MacKenzie - Senior Democratic Services Officer
David Ruddock - District Solicitor