



Standards Committee

Date: 3 June 2014
Time: 6.15 pm
Venue: Committee Room 1
District Council Offices, Queen Victoria Road, High Wycombe Bucks

Membership

Chairman Councillor A D Collingwood
Vice Chairman Councillor D J Carroll

Councillors: I Bates, Mrs G A Jones, J A Savage, D A C Shakespeare OBE,
Ms J D Wassell and R Wilson

Independent Persons (Observers): G Houalla and M Pearce

Parish Council Observers: Parish Cllr Mrs N Howard, Parish Cllr J Sherlock and
Parish Cllr Mrs V Smith

Fire Alarm - In the event of the fire alarm sounding, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Please congregate at the Assembly Point at the corner of Queen Victoria Road and the River Wye, and do not re-enter the building until told to do so by a member of staff.

Agenda

Item		Page
1	Apologies for Absence	
2	Declarations of Interest	
3	Minutes of Previous Meeting	
4	Terms of Reference For the Committee to note its Terms of Reference, as set out in Part 2 of the Constitution (attached).	2 - 4
5	Overview and Review of Current Standards Arrangements for Elected Members	5 - 7

Item		Page
6	Standards Training for Members	8 - 9
7	Supplementary Items (if any)	
8	Urgent Items (if any)	

**For further information, please contact Emma Lund 01494 421635,
Emma.Lund@wycombe.gov.uk**

Agenda Item 1

APOLOGIES FOR ABSENCE

To receive apologies for absence.

Agenda Item 2

DECLARATIONS OF INTEREST

To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

Agenda Item 3

MINUTES OF PREVIOUS MEETING – 11 MARCH 2014

To confirm the Minutes of the meeting held on 11 March 2014 (previously circulated).

4. Standards Committee

Subject	Reserved to Council	Reserved to Committee	Delegated to Officers
Standards of Conduct	Major changes to Codes of Conduct and Procedures affecting District Council Members and Officers.	<ul style="list-style-type: none"> (a) To promote and maintain high standards of conduct by the Members and co-opted Members of Wycombe District Council. (b) To assist Members and co-opted Members of the District Council to observe the Council's Code of Conduct. (c) To advise the District Council on the adoption or revision of a Code of Conduct. (d) To monitor the operation of the District Council's Code of Conduct, having regard to any national or local guidance. (e) To consider and grant dispensations in respect of Member interests as provided in the Localism Act 2011. 	
Training		<ul style="list-style-type: none"> (f) To advise, train or arrange the training of Members and Co-opted Members of the District Council on matters relating to the authority's Code of Conduct 	

Page 2

Agenda Item 4

Subject	Reserved to Council	Reserved to Committee	Delegated to Officers
Investigation of complaints Page 3		(g) To consider any matters referred to it by the Monitoring Officer (delegated to ad hoc Hearings Panel).	<ul style="list-style-type: none"> • following consultation with the Independent Person, determination on whether a complaint warrants investigation • the arrangement of investigations • where appropriate, to seek informal resolution as an alternative to formal investigation • the closure of complaints • Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code, and after consultation with the Independent Person. to seek local resolution where appropriate • to arrange Local Standards Hearings and to determine the composition of the Hearings Panel
Parishes		(h) To discharge the functions in (a) to (g) above in relation to Parish Councils within the area of the Wycombe District.	
Officers		(i) To advise the Council on the adoption or revision of Codes of Conduct.	As required by statute or otherwise as required in regard to propriety issues
Complaints, Comments and Compliments		(j) To monitor the operation of the Council's complaints procedure	

- Note:**
1. The Committee may call upon any Member or Officer to assist with its work.
 2. Membership to be made up as follows:- 8 Councillors in accordance with political balance, and including one Member of the Cabinet.
 3. There are no Standing Deputies.
 4. The Council may appoint up to 2 Independent Persons whose views must be sought before a decision is made on any matter that it has been decided to investigate. Independent Persons are not Members of the Committee and have no voting rights.
 5. Parish Councils may nominate a maximum of 3 Parish Councillors to be co-opted as non-voting Members of the Committee.

Agenda Item 5

OVERVIEW AND REVIEW OF CURRENT STANDARDS ARRANGEMENTS FOR ELECTED MEMBERS

Officer contact: Julie Openshaw (District Solicitor and Monitoring Officer)
Tel: 01494 421252
E-mail: Julie.openshaw@wycombe.gov.uk

Wards affected: All

PROPOSED DECISION

No decision is required; the Committee is asked to consider and note this report.

Corporate Implications

1. The Localism Act 2011 contains the current legislative arrangements for elected Member standards of conduct within local authorities. This superseded and repealed the previous legislation contained in the Local Government Act 2000, and enacted measures including the abolition of Standards for England (earlier known as the Standards Board) and the existing regulatory framework, and the removal of the obligation for members to agree to adhere to a model Code applicable across the country. The obligation to have a statutory Standards Committee and for Members to provide an undertaking to comply with a Code were also repealed, along with the sanctions of disqualification and suspension.
2. Nonetheless, there remains a duty on Councils under Sections 27 and 28 of the Localism Act 2011 to promote and maintain high standards of conduct by elected and co-opted members when acting in that capacity, to adopt a Code of Conduct which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, and to have arrangements in place for the investigation of allegations and for the making of decisions on allegations. How this is achieved in each Council now involves a degree of greater local choice than was available before 2012, so long as the basic parameters of the legislation are met. The Council's current arrangements as outlined in this report have been adopted and subsequently modified in response to the requirements of the Localism Act 2011. The Act also required that the Council must appoint one or more "Independent Persons", whose role is both to act as consultee before the Council takes a decision on any allegation it has decided to investigate, and also to be consulted by the Council at any other appropriate stage. The Council has appointed two such persons. Their role is advisory only.

Executive Summary

3. This report provides a re-cap upon the current Standards arrangements for elected members within Wycombe District Council and for Town and Parish councils in the District.
4. The purpose of this report is to provide an explanation of the current legislative and local situation in respect of Member conduct and arrangements for dealing with complaints including the role of the Standards Committee.

Background and Issues

5. The Localism Act 2011 made substantial changes to the legislative arrangements for Member conduct and complaints which were previously in place. Prior to the Localism Act, arrangements for member conduct and the handling of complaints was contained in the Local Government Act 2000, which itself had been amended to implement a national Model Code of Conduct in 2007.
6. Consequent upon the Localism Act coming into force, all authorities in England needed to review and reconsider their standards arrangements. This had a significant effect on the the upper tier authorities, who as well as having to review their codes of conduct also had to review their arrangements for handling complaints; however, all Parish and Town Councils were also required to review and consider their own Codes.
7. Wycombe District Council's current arrangements are published as part of its Constitution, in Part 5 of that document. The Council chose to retain a form of Code of Conduct for its Members which in some ways is based upon the former Model Code, although briefer.
8. The Council has also chosen to retain a voluntary Standards Committee, with a general role to promote high standards of conduct, and also to deal with Hearings under the complaints arrangements. Hearings, as and when they arise, will be dealt with by a sub-committee of the Standards Committee of up to 5 members. The Standards Committee no longer has independent members, who under the former regime were full members of the committee, one of whom had to chair the Committee, but it is attended by the two "Independent Persons" whom the Council has appointed under the Localism Act, as well as town/parish representatives.
9. In short, the WDC Code of Conduct sets out obligations in respect of general conduct, Disclosable Pecuniary Interests, Other Interests, and Gifts & Hospitality. Town and Parish Councils have adopted their own Codes of Conduct, which may not be identical to the Wycombe District Council Code, but must still adhere to the same basic principles of conduct as set out in the Localism Act.
10. The current regulatory framework is also set out in Part 5 of the Constitution. It contains contact details for complainants wishing to raise a complaint, and is formed of three stages. Prior to the first stage, there is a power for the

Monitoring Officer to dismiss a complaint at the outset, if certain basic criteria are not met; for example, if the events took place over 6 months ago, or if there is no apparent evidence that the Code has been breached. If a complaint is not dismissed at this point, it moves on to Stage One.

11. At Stage One, the Subject Member receives a copy of the complaint and is invited to comment upon it. The Complainant is then shown the response, and if satisfied with it, the complaint goes no further.
12. If the Complainant remains dissatisfied, the Monitoring Officer, in consultation with one of the Independent Persons, decides whether the matter should be referred for investigation. The procedure contains detailed Referral Criteria which have to be taken into account in making this decision.
13. If a decision is made not to investigate, the Monitoring Officer is able to seek to resolve the complaint informally, without the need for a formal investigation. This might, for example, involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. If a decision is made to formally investigate, an external Investigating Officer will be appointed.
14. After investigation, the Investigating Officer reaches a conclusion. If there is found to be no evidence of breach, that is the end of the matter. If evidence of breach is found, the Monitoring Officer can either refer the matter to a Hearings Panel for hearing, or can, in consultation with an Independent Person, seek local resolution.
15. With regard to sanctions, the Localism Act provides no power to impose sanctions (such as apology or training), nor to disqualify or suspend Councillors, nor to impose sanctions on Parish or Town Councillors. Possible sanctions comprise, for example, censure or reprimand (which may lead to adverse publicity), recommendation of removal from Cabinet, Committee or outside appointments, or bar from Council offices to reduce the possibility of disruption to the administration of the Council's affairs, but these cannot go so far as to prevent a Councillor from performing their duties as an elected member.

Conclusions

16. The Council has arrangements in place which comply with the Localism Act 2011. This report reminds the Committee of those arrangements.

Next Steps

17. The Standards Committee will continue to be responsible for undertaking the functions set out in its Terms of Reference.

Background Papers

None.

Agenda Item 6

STANDARDS TRAINING FOR MEMBERS

Officer contact: Julie Openshaw (District Solicitor and Monitoring Officer)
Tel: 014894 421252
E-mail: Julie.openshaw@wycombe.gov.uk

Wards affected: All

PROPOSED DECISION

No decision is required; the Committee is asked to note this report and consider any future training requirements.

Corporate Implications

1. Within its terms of reference, the Standards Committee has a general remit to promote and maintain high standards of conduct by the Members and co-opted Members of Wycombe District Council, which includes assisting Members and co-opted Members of the District Council to observe the Council's Code of Conduct, and advising, training or arrange the training of Members and Co-opted Members of the District Council on matters relating to the authority's Code of Conduct.

Executive Summary

2. This report allows members to consider recent and future training on Standards matters.

Sustainable Community Strategy/Council Priorities - Implications

3. Robust training arrangements for standards matters helps support good governance.

Background and Issues

4. As noted above, the Standards Committee's functions include promoting high standards of conduct and supporting or arranging training as part of this role.
5. At the most recent Standards Committee on 11 March 2014, the District Solicitor, David Ruddock, gave a detailed presentation to the Committee, outlining the standards regime under the Localism Act. The presentation contained details of the changes to the law in 2012, the current Code, its requirements as to conduct, Disclosable Pecuniary Interests, complaints arrangements, sanctions, the role of the Independent Person, and Predetermination. This training built upon earlier training offered to the Committee and members generally.
6. The training on 11 March was attended by 22 out of a total of 60 members of the Council. Both of the Independent Persons and all three of the Parish Council observers on the Committee also attended. Parish Council attendance is not formally recorded, but all of the Parish Clerks and Parish Council Chairmen

were invited, and representatives from seven parish councils indicated they would be in attendance. After the meeting a link both to the minutes and a copy of the presentation slides was sent to all Town and Parish Councils, both those who did not attend, and those who did; the slides were also placed onto the Council's website with the papers for the meeting and are publicly accessible.

7. Whilst Standards training has been widely offered and presented recently, the Committee is invited to discuss any future training requirements.

Next Steps

8. To be determined after consideration of the report.

Background Papers

None.