

Standards Committee Minutes

Date: 13 October 2015

Time: 6.15pm -7.00pm

PRESENT: Councillor C Etholen (In the Chair)

Councillor Mrs J A Adey, Councillor S Broadbent, Councillor M Clarke, Councillor A R Green, G Houalla, Parish Cllr Mrs V Smith, Parish Cllr Mr B Swain and Councillor Ms J D Wassell.

7 APOLOGIES

An apology for absence was received from Councillor J Savage.

8 MINUTES

RESOLVED: That the minutes of the meeting of the Standards Committee held on 9 June 2015 be confirmed as a correct record and signed by the Chairman.

9 DECLARATIONS OF INTEREST

No declarations of interest were received

10 DISPENSATIONS

A report was considered which requested that authority be delegated to the Monitoring Officer to grant dispensations until May 2019 where a Member had submitted an application for dispensation claiming that certain circumstances applied. These included situations whereby so many Members had Disclosable Pecuniary Interests (DPIs) that it would impede the transaction of business, or where without such a dispensation all Members of the Cabinet would have a DPI prohibition from participating.

The report recorded that in June 2015 this Committee had made the decision to give delegated power to the Monitoring Officer to grant dispensations in relation to decisions on setting the Council Tax. Subsequent Member training had recommended the consideration of further delegation to the Monitoring Officer to be able to grant dispensation applications in other circumstances where short notice might necessitate this.

The report stated that in the circumstances as mentioned above a more rapid response in dealing with applications for dispensations was required. As such an arrangement needed to be in place whereby the Monitoring Officer could consider

such requests quickly and efficiently, and reduce the need to convene an urgent ad hoc Standards Committee meeting to consider the applications.

The report summarised the current legal grounds for granting dispensations in paragraph 6 of the report, and suggested that delegated authority be given in points 6 (i) and 6 (iii) only, namely where without the dispensation, so many members have DPIs that it would impede the transaction of the business, or where without the dispensation, every member of Cabinet would have a DPI prohibition from participating. It was advised that it would be more appropriate for the remaining grounds for granting a dispensation to be dealt with and determined by the Standards Committee itself rather than being delegated.

Members were informed that whilst consultation with an Independent Person in advance of a delegated decision being made was not a legal requirement, and was not recommended as it would not always be expedient, every effort would be made to consult with an independent person prior to reaching a decision under delegated powers.

It was highlighted that as with any power which was delegated, the Monitoring Officer retained the discretion to decline to exercise the power and remit the matter back to the Committee for its decision on the matter.

In considering the report before them, Members were in agreement that it would be sensible to delegate authority to grant dispensations. However some concern was expressed over whether there would be a process for reviewing the decisions which had been made. Members were informed that although there was no formal process in place, any decisions made by the Council were subject to Judicial Review.

RESOLVED: That the Monitoring Officer be given delegated authority under Section 33 of the Localism Act 2011 to grant dispensations until 2 May 2019 with regard to a member application for a dispensation claiming that the following circumstances applied;

- (i) So many Members had Disclosable Pecuniary Interests that it would impede the transaction of the business; or
- (ii) Without the dispensation, every Member of the Cabinet would have a Disclosable Pecuniary Interest prohibition from participating.

11 QUARTERLY UPDATE ON STANDARDS COMPLAINTS

A report was submitted which provided an overview of recent complaints cases regarding Member conduct since June 2014. Members were presented with the updates on a quarterly basis and were informed that since the last meeting there

had been no new complaints submitted and none were in the process of being dealt with.

The report also stated that there had been a relatively small number of complaints submitted and handled since July 2012, which suggested that ethical standards were taken seriously at District Town and Parish levels and that Member training programmes had been effective.

In general Members regarded the figures presented as good news and agreed that the report was an encouraging sign of good progress.

RESOLVED: That the report be noted.

12 REVIEW OF CODE OF CONDUCT FOR MEMBERS & STANDARDS COMPLAINTS ARRANGEMENTS

Members considered a report relating to the ongoing work of the review of the Code of Conduct and the complaints process which made a number of final recommendations to Full Council as to the way forward.

Earlier reports regarding the review had been considered in January, March and June 2015. Following the June meeting of the Committee it had been agreed to consult more widely with Group Leaders, the Independent Persons the County Council and other District Councils in Buckinghamshire on all issues raised arising out of the report by Hoey Ainscough Associates and subsequent discussions. Hoey Ainscough's report had been commissioned to examine Wycombe's code and compare it against other Councils in the vicinity and across the country. This was attached at Appendix B to the report.

The seven issues which had formed part of the consultation were highlighted within paragraph 8 (a)- to (g) of the report. The responses which had been received were summarised in Appendix A of the report.

In considering the report before them, some Members highlighted the recommendation in paragraph (a) which intended that non DPI interests be brought into line with DPI interests, requiring the Member to declare and then to withdraw from decision making process for non-DPIs as well. There was debate around whether having to withdraw in situations where there was considered to be a very loose interest or connection to the subject matter meant that the Committee might be deprived of the benefit of their in depth knowledge of the issue under consideration.

The Monitoring Officer stated that irrespective of the Code requirements, it would nonetheless be advisable to withdraw where a non-DPI existed, as to take part in the decision making process put the decision at risk because of the suspicion of bias. It was also emphasised that Members should always seek advice as early as possible to clarify whether they may have a DPI or a non-DPI as there were many different issues to consider within each unique set of circumstances. However it remained safer to err on the side of caution and to declare and withdraw if any doubt remained.

Having debated the matter in some considerable detail, Members agreed that from the seven issues which formed part of the consultation, four of those should be put forward for ratification and adoption by Council.

RECOMMENDED: That Full Council resolve that the following recommendations be adopted and the Head of Democratic, Legal and Policy Services in consultation with the District Solicitor be authorised to make all necessary and consequential changes to the Constitution:

- (a) To make it compulsory under the Code for Members to declare and withdraw from decision making, in circumstances where other “non-DPI” interests exist (so as to make the requirement the same as for where “DPI” i.e. Disclosable Pecuniary Interests exist);
- (b) To present regular quarterly reports to the Standards Committee in order to provide overview information on case numbers and types so as to highlight any emerging trends;
- (c) To add into the Code information about the criminal offence and sanctions which the law provides for breaches of the Code centred upon declaration of interests;
- (d) Whilst noting that there was no longer a legal duty for members to sign a declaration that they agree to abide by the Code which is for the time being in force, to nonetheless expect and encourage Members to sign a declaration that they agree to do so and to publish a list of Members who had voluntarily agreed to do so.

13 INFORMATION SHEETS

The following information Sheets were submitted for information.

2/ 2015 Comments/Complaints/Compliments – Quarter 1

3/ 2015 Dispensations Guidance for Town and Parish Councils

Chairman

The following officers were in attendance at the meeting:

- Julie Openshaw - District Solicitor
- Iram Malik - Democratic Services