

STANDARDS COMMITTEE MINUTES - 12 JULY 2012

Present: Mrs T Barnes (Chair);
Councillors D Edwards, Livingston, McElligott, Terry and White;

Apologies: Councillor Benson, Rynn and Skeats.

RESOLVED ITEMS

1. MINUTES

The Minutes of the meeting held on 19 March 2012 were confirmed as a correct record and signed by the Chair.

2. TERMS OF REFERENCE AND ANNUAL REPORT

The Monitoring Officer submitted a report setting out the Committee's terms of reference and constitutional role for the Municipal Year 2012/2013, updating the Committee on developments and complaints during the Municipal Year 2011/2012 and looking forward to the current Municipal Year.

The report advised that Chapter 7 of the Localism Act 2011 had ended the statutory standards regime set up by the Local Government Act 2000, and introduced in its place a duty on local authorities to promote and maintain high standards of conduct by Councillors and Co-opted Members, including adopting a local Member code of conduct. The Act also required local authorities to adopt arrangements to deal with allegations that Members had not complied with their local Code of Conduct, and allowed local authorities to establish a local Standards Committee, and to make Standing Orders relating to aspects of the standards process (Section 31(10)). In the light of recommendations made by the Standards Committee on 19 March 2012, the Annual Council Meeting on 23 May 2012 had agreed to establish a local Standards Committee, with the terms of reference and Standing Orders set out in **Appendix A**.

The report had the local Member Code of Conduct attached at **Appendix B**, which was based on a good practice draft produced by the Association of Council Secretaries and Solicitors (ACScS). The Code retained those elements of the former statutory Model Code which had not been the subject of significant legal challenge. It also set out the statutory requirement for Members to register and declare disclosable pecuniary interests, as informed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The Committee was asked to agree the Code, for immediate application, and recommend it for formal adoption to the full Council at its next meeting, on 23 October 2012 and to recommend full Council to incorporate into the Council's Standing Orders provisions for the exclusion of Members from meetings for items of business in which they had a disclosable pecuniary interest, in line with paragraph 7.4 of the attached Code.

The Standing Orders and Rules of Procedure for the Standards Committee, together with this Committee, would form the authority's local arrangements for investigating complaints about Councillors. The new local procedure was set out in a new "Complaints about Councillors" document, attached at **Appendix C** to the report and would be published on the Council's website.

STANDARDS COMMITTEE MINUTES - 12 JULY 2012

Local authorities were now required to appoint one or more Independent Person with statutory responsibilities to be consulted and to advise on complaints made about Members. The 2011 Act also prescribed the recruitment process for the Independent Person. The authority's recruitment documentation was attached at **Appendix D** to the report. The 2011 Act had prevented the Independent Person being a Member of the authority during the preceding five years, but the relevant Commencement Order had recognised the benefit of enabling as a transitional arrangement to allow somebody who was an Independent Member of the Standards Committee, where they were no longer a Member, to be appointed as the Independent Person. The report therefore recommended inviting Mr Hicks, who was the Chair of the (statutory) Standards Committee between 2008 and 2011, to be the authority's Independent Person. It was reported that this appointment could continue until 30 June 2013.

The report also drew attention to the changes in the law with regard to the registration and declaration of interests by Members. There was still a legal requirement on Members to register and declare interests, but the definition of declarable interests had reverted to the pre-2002 form of "pecuniary" (financial). The authority's form for Members to register their pecuniary and other interests had been updated, and was attached at **Appendix E**. All Members of the authority would be asked to complete and return the interest form, within 28 days, and the completed new forms would be published on the Council's website. The report recommended that the Monitoring Officer should be appointed as the Proper Officer for the receipt of requests from Members for a dispensation to take part in decisions on items of business in which they had a disclosable pecuniary interest, in specified circumstances, under Section 33 of the Localism Act 2011.

Over the Municipal Year 2011/12, under the statutory procedure which the Localism Act had now ended, the local Assessment Sub-Committee had met on two occasions, to consider two complaints. Details of the complaints and the action taken were set out in **Appendix F** to the report.

The Register of Gifts and Hospitality offered to Councillors in the financial year 2011/12 was attached to the report at **Appendix G**.

The Committee also noted that, at the Annual Council Meeting, on 23 May 2012, Mrs Tina Barnes, the co-opted Independent Member, had been appointed as Chair of the Committee for the Municipal Year 2012/13.

Resolved -

- (1) That the Committee's terms of reference and new Standing Orders and Rules of Procedure (Appendix A) be endorsed;
- (2) That the new local Member Code of Conduct (Appendix B) be agreed and recommended to full Council for full adoption;
- (3) That the Council be recommended to incorporate into the Council's Standing Orders provisions for the exclusion of Members from meetings for items of business in which they had a disclosable pecuniary

STANDARDS COMMITTEE MINUTES - 12 JULY 2012

interest, in line with paragraph 7.4.4 of the local Member Code of Conduct;

- (4) That the new Complaints about Councillors document (Appendix C) be agreed, and the Monitoring Officer be instructed:
 - (a) To publish the new document on the Council's website;
 - (b) To write to all Members of the authority to:
 - draw their attention to the new local Member Code;
 - advise them of the Committee's expectation that they comply with the new local Code from now on, and that any allegations of breaches of the local Code will be dealt with under the Committee's Rules of Procedure and the Complaints about Councillors document;
 - (c) To write to all the Group Leaders to require them to submit their Group Disciplinary procedures to the Monitoring Officer within 4 weeks of receiving the request;
- (5) That with regard to the position of Independent Person:
 - (a) the recruitment documentation (Appendix D) be agreed, subject to the advert for the appointment of the Independent Person being made more specific about the role by including the information set out in paragraph 3 of the "Notes to Applicants" contained within Appendix D to the report;
 - (b) the Monitoring Officer be authorised to start a public recruitment process for an Independent Person during the current Municipal Year, and in this respect:
 - the Committee Chair and the Monitoring Officer be involved in the selection process for Reading;
 - as an interim arrangement, under the transitional arrangements allowed by the Commencement Order, the position of Independent Person be offered to Mr John Hicks, the outgoing Chair of the Committee, until 30 June 2013;
- (6) That with regard to interests:
 - (a) the new form for the registration of Members' interests (Appendix E) be agreed, and the Monitoring Officer be instructed to send this form to all Members to be completed and returned within 28 days of its circulation, and the returned form to be made available for public inspection and published on the authority's website;

STANDARDS COMMITTEE MINUTES - 12 JULY 2012

- (b) the Monitoring Officer be appointed as the authority's Proper Officer, under Section 33(1) of the Localism Act 2011, for the receipt of written requests from Members to grant a dispensation relieving the Member from the restrictions on participating in the discussion or voting on any item of business in which they had a disclosable pecuniary interest;
- (7) That the schedule of complaints for the Municipal Year 2011/12 (Appendix F) be noted;
- (8) That the list of gifts and hospitality registered by Members in the financial year 2011/12 be received (Appendix G);
- (9) That the Chair be invited to present these Minutes to the next Council meeting on 23 October 2012, or to provide a written statement to accompany the Minutes, in order to express to all Councillors any matters of concern identified by the Committee.

(The meeting commenced at 6.30pm and closed at 6.56pm).

n:\standards cttee\minutes\120712