

## STANDARDS COMMITTEE MINUTES - 14 JULY 2014

**Present:** Mrs T Barnes (Chair);  
Councillors Ayub, D Edwards, Khan, Orton, Robinson, Terry and Vickers.

**In Attendance** Mr D Comben (Independent Person).

### RESOLVED ITEMS

#### 1. MINUTES

The Minutes of the meeting held on 11 July 2013 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 2014/2015, updating the Committee on developments and complaints during the Municipal Year 2013/2014 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, which had been re-appointed at the subsequent Council AGMs on 22 May 2013 and 11 June 2014, 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 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 local procedure was set out in the "Complaints about Councillors" document, attached at **Appendix C** to the report and had been published on the Council's website.

Further to Minute 2(3) of the meeting held on 11 July 2013, the Committee noted that all the Groups had their own disciplinary procedures in place and had shared

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these with the Monitoring Officer. The Monitoring Officer had confirmed that all the Group Disciplinary Procedures were acceptable to him for the purpose of investigating a complaint under Stage 1 of the Council's complaints procedure set out in Article 9 of the Constitution. The Chair asked whether the political groups would be prepared to share that part of their Group procedures, which related to the disciplinary procedures they would follow under Stage 1 of the Council's procedure for dealing with complaints, with the other Groups represented on the Council in the interests of openness and transparency. The Committee suggested that this matter should be referred to the Group Leaders for consideration in the first instance.

The report also referred to the updated Protocol on Member/ Officer Relations, which was a useful document to be read in conjunction with the Member Code of Conduct and was included in Part 5 of the Council's Constitution. The document provided guidance on the smooth management of the Council by describing the relative roles and responsibilities of the Councillors and Officers with the intention of enabling them to carry out their roles with certainty and confidence. The Protocol had been amended in 2013/14 to reflect the adoption of a committee system of governance; include reference to visits by councillors to Council premises outside the Civic Offices, to inspect Council equipment or to observe Council services being delivered; and working with Councillors on non-Council business to ensure that Councillors who contacted officers on personal or in a business capacity must make a clear separation between this form of contact and their Councillor role. A copy of the revised Protocol, which had been approved by Council on 11 June 2014, was attached to the report at **Appendix D**.

Local authorities were required to appoint at least one 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 2011 Act had prevented the Independent Person being a Member of the authority during the preceding five years. Mr David Comben had originally been appointed by the Council as the Independent Person, following the prescribed recruitment exercise in April 2013. He had been re-appointed for 2014/15 at the Council meeting on 11 June 2014.

The report also reminded the Committee about 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 to reflect the change. The report noted that the Monitoring Officer was 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. Under Section 33(2) of the Localism Act 2011, a dispensation may only be granted where the authority considered, having had regard to all relevant circumstances, that:

- (a) without the dispensation the number of persons prohibited from taking part in the item of business would be so great a proportion of the meeting to impede the transaction of the business;

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- (b) without the dispensation the representation of different political groups at the meeting would be so upset as to alter the likely outcome of any vote relating to the item of business;
- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (d) each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive.

The authority to grant a dispensation to a Member with a disclosable pecuniary interest could also be delegated to an officer in accordance with the prescribed circumstances. At the Annual Council Meeting on 11 June 2014, the delegation to the Monitoring Officer to grant a general dispensation to members of the authority was re-established in the following circumstances:

- “(1) That a general dispensation be granted to all Members of the authority to take part and vote on decisions related to the functions of your authority in respect of:
  - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting Council Tax or a precept under the Local Government Finance Act 1992;
  - (vii) any other business that might reasonably be regarded as affecting the financial position of the Member and/or his/her spouse or partner to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- (2) That the general dispensation apply for four years, subject to its being renewed each year at the Annual Council Meeting.”

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The Register of Gifts and Hospitality offered to Councillors in the financial year 2013/14 was attached to the report at **Appendix E**.

The Committee also noted that, at the Annual Council Meeting, on 11 June 2014, Mrs Tina Barnes, the co-opted Independent Member, had been re-appointed as Chair of the Committee for the Municipal Year 2014/15.

### **Resolved -**

- (1) That the Committee's terms of reference and Standing Orders and Rules of Procedure (Appendix A) be noted;
- (2) That the local Member Code of Conduct (Appendix B) be noted;
- (3) That the Complaints about Councillors document (Appendix C) be noted;
- (4) That the Group Leaders be asked to consider whether they would be prepared to share their own Group's disciplinary procedure with the other Groups represented on the Council in the interests of openness and transparency;
- (5) That the Protocol for Officer/ Member Relations adopted by the Council on 11 June 2014, as attached to the report at Appendix D, be noted;
- (6) That the re-appointment of Mr David Comben as the Independent Person for 2014/15 be noted;
- (7) That the Monitoring Officer's delegated authority 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 in the prescribed circumstances described in paragraph 6.21(1) of the report be noted;
- (8) That the list of gifts and hospitality registered by Members in the financial year 2012/13 be received (Appendix E);
- (9) That the Vice-Chair be invited to present the Minutes of this meeting to the next full Council meeting (21 October 2014), and use that meeting to express to all Councillors any matters of concern identified by the Committee.

(The meeting commenced at 6.00pm and closed at 6.17pm).

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