

## STANDARDS COMMITTEE MINUTES - 30 JUNE 2015

**Present:** Mrs T Barnes (Chair);  
Councillors Ayub, D Edwards, Livingston, McDonald, Orton and Steele.

**Apologies:** Councillor Chrisp and Mr D Comben (Independent Person).

### RESOLVED ITEMS

#### 1. MINUTES

The Minutes of the meeting held on 14 July 2014 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 2015/2016, updating the Committee on developments and complaints during the Municipal Year 2014/2015 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 most recently on 27 May 2015, 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(4) of the meeting held on 14 July 2014, the Committee noted that all the Groups had their own disciplinary procedures in place and had shared

## STANDARDS COMMITTEE MINUTES - 30 JUNE 2015

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, who had not already done so, would be prepared to reconsider adopting the model Stage 1 procedure for investigating complaints about councillors in their groups. This would ensure that there was a consistent approach to dealing with complaints about councillors whichever group they were a member of and would also mean that the approach to be followed was publicly available in the interests of openness and transparency. The Committee suggested that this matter should be referred to the relevant Group Leaders for consideration in the first instance.

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 most recently been re-appointed to this role at the Council meeting on 27 May 2015.

The report also reminded the Committee about the law with regard to the registration and declaration of interests by Members. There was a legal requirement on Members to register and declare interests. 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;
- (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 was 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 27 May 2015, the delegation to the

## STANDARDS COMMITTEE MINUTES - 30 JUNE 2015

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.”

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

The Committee also noted that, at the Annual Council Meeting, on 27 May 2015, Mrs Tina Barnes, the co-opted Independent Member, had been re-appointed as Chair of the Committee for the Municipal Year 2015/16.

### **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;

## STANDARDS COMMITTEE MINUTES - 30 JUNE 2015

- (4) That the Group Leaders, who had not already done so, be invited to reconsider whether they would be prepared to adopt the model 'Stage 1' Group disciplinary procedure, to ensure a consistent approach was followed across the Groups represented on the Council and in the interests of openness and transparency;
- (5) That the re-appointment of Mr David Comben as the Independent Person for 2015/16 be noted;
- (6) 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;
- (7) That the proposed review of the Planning Code of Conduct during 2015/16 be endorsed;
- (8) That the list of gifts and hospitality registered by Members in the financial year 2014/15 be received (Appendix D) and the Monitoring Officer be authorised to write to all Councillors reminding them of the importance of declaring gifts and hospitality where required by the Council's Code of Conduct;
- (9) That the Vice-Chair be invited to present the Minutes of this meeting to the next full Council meeting (20 October 2015), and use that meeting to express to all Councillors any matters of concern identified by the Committee.

(The meeting commenced at 6.30pm and closed at 6.48pm).

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