

## STANDARDS COMMITTEE MINUTES - 11 JULY 2013

**Present:** Mrs T Barnes (Chair);  
Councillors Ayub, D Edwards, McElligott, Orton, Skeats and Vickers.

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

### RESOLVED ITEMS

#### 1. MINUTES

The Minutes of the meeting held on 12 July 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 2013/2014, updating the Committee on developments and complaints during the Municipal Year 2012/2013 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 Council AGM on 22 May 2013, 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 reconfirm the 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 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)(c) of the meeting held on 12 July 2012, the Chair reminded the Groups of the need to submit a Group Disciplinary Procedure to the Monitoring

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Officer to provide reassurance that there was a process in place for Group Leaders to investigate complaints about members of the Group under Stage 1 of the complaints procedure. The Groups were invited to consider a model disciplinary procedure produced by the Monitoring Officer, which if adopted, it was hoped would provide a consistent approach for dealing with complaints across the Political Groups. The Committee noted that the Groups would be responsible for agreeing their own disciplinary procedures.

The report also introduced an amended 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 this year to reflect the adoption of a committee system of governance. The opportunity had been taken to update the Protocol further to 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 was attached to the report at **Appendix D** for endorsement prior to its submission to full Council for approval.

Local authorities were 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 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. Mr Hicks, who was the Chair of the (statutory) Standards Committee between 2008 and 2011, had therefore been appointed as the authority's Independent Person for 2012/13. A recruitment exercise, as prescribed in the Localism Act, had been followed to appoint a new Independent Person to take over from Mr Hicks. A public notice seeking expressions of interest was placed in February 2013, which attracted two applications. Following his interview, Mr David Comben's appointment as the Independent Person was recommended to, and duly accepted by, Council at its Annual Meeting on 22 May 2013.

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

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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 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 22 May 2013 it was agreed to establish a delegation to the Monitoring Officer to grant a general dispensation to members of the authority 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

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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 2012/13 was attached to the report at **Appendix E**.

The Committee also noted that, at the Annual Council Meeting, on 22 May 2013, Mrs Tina Barnes, the co-opted Independent Member, had been re-appointed as Chair of the Committee for the Municipal Year 2013/14.

### Resolved -

- (1) That the Committee's terms of reference and new Standing Orders and Rules of Procedure (Appendix A) be endorsed;
- (2) That the local Member Code of Conduct (Appendix B) be noted and training be offered to Councillors in the 2013/14 Municipal Year to refresh their understanding of the local Code of Conduct, and in particular the following:
  - (a) the grounds on which a member could be deemed to have breached the Code of Conduct, bearing in mind "bringing the Council into disrepute" no longer applied since the abolition of the statutory code;
  - (b) the removal of the requirement to declare personal and prejudicial interests and the new obligation to disclose pecuniary interests and good practice advice on when these interests should be declared;
- (3) That the Complaints about Councillors document (Appendix C) be noted and in relation to the adoption of the model Group Disciplinary Procedure the following be agreed:
  - (a) the model Disciplinary Code be circulated to all Members of the Standards Committee for consideration and they be asked to make any comments on the model Code to the Monitoring Officer by 26 July 2013;
  - (b) that, subject to the comments received by the Monitoring Officer, the Group Leaders be asked to consider presenting the model Code, amended as necessary, to their Groups for formal adoption by 22 October 2013;
- (4) That the revised Protocol for Officer/ Member Relations be recommended for adoption by Council as attached to the report at Appendix D and the Monitoring Officer be authorised to report the issues raised by members about gaining access to information over the phone with the relevant Corporate Directors and Heads of Service;

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- (5) That the appointment of Mr David Comben as the Independent Person be noted;
- (6) That the Monitoring Officer be authorised to write to the outgoing Independent Person, Mr John Hicks, on behalf of the Standards Committee to thank him for his contribution to maintaining high standards of behaviour in members of the local authority in his capacity as an independent member and independent Chair of the Standards Committee and in the role of Independent Person;
- (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 have a disclosable pecuniary interest in the prescribed circumstances described in paragraph 6.21(1) of the report be endorsed;
- (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 (22 October 2013), 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 7.27pm).

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