

STANDARDS COMMITTEE MINUTES - 19 MARCH 2012

Present: Mr J Hicks (Chair);
Reverend Canon B Shenton;
Councillors Livingston, Rynn, Skeats and Tickner (in place of Councillor Watson);

Apologies: Mrs T Barnes and Councillor Watson.

RESOLVED ITEMS

5. MINUTES

The Minutes of the meeting held on 17 October 2011 were confirmed as a correct record and signed by the Chair.

6. STANDARDS - FUTURE LOCAL ARRANGEMENTS

Further to Minute 2 of the meeting held on 21 July 2011 and Minute 40 of the Council held on 18 October 2011, the Monitoring Officer submitted a report on options for the authority to make local arrangements to have a Member Code of Conduct and voluntary local Standards Committee from 1 July 2012, following the abolition of the statutory standards regime set out in Part III of the Local Government Act 2000 by the Localism Act 2011. Under the new arrangements, local authorities now had a statutory duty to promote and maintain high standards of conduct by their Councillors and co-opted Members; and must have their own local Members' Code of Conduct and arrangements to investigate and decide on allegations of breaches of the local Code. They may continue to appoint local Standards Committees, but these would no longer have their own statutory status, and there would be no statutory basis for sanctions in cases of breach (except in relation to an intentional failure to declare a declarable pecuniary interest). Therefore, the local Standards Committee of the future would be able to censure Members, but would not be able to suspend them. The Localism Act included a requirement for local authorities to appoint an 'Independent Person' to be consulted by the authority. This person could not be a present Member of the authority, including anybody who was a co-opted (independent) Member of the current Standards Committee.

The report stated that the Localism Act had been passed in November 2011 and the Government had introduced a Commencement Order to have effect from 31 January 2012, which ended the ability of Standards Board for England to accept new referrals from that date. The Standards Board would be abolished from 31 March 2012 and it was expected, subject to a further Commencement Order, that the remaining local elements of the statutory regime, including statutory standards committees with the power to suspend Councillors, would be abolished from 1 July 2012. Therefore from 1 July 2012, all standards matters would be the responsibility of the local authority, to be handled under the new arrangements. The report also drew attention to the changes the Localism Act would make to the standards regime applying to local authorities. As part of these changes, the definition of interest had changed. Instead of personal and prejudicial interests, relating both to financial matters and to well-being, the Act had reverted to the pre-2000 definition of *pecuniary* (financial) interest. Regulations were expected from the Secretary of State to define declarable pecuniary interests.

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The report had appended the Council's current Member Code of Conduct, based on the Model Code prescribed by Parliament in Statutory Instrument SI 2007/1159; and the terms of reference of the Council's current (statutory) Standards Committee (Article 9 of the Council's constitution).

The report also noted that, before the Local Government Act 2000, the Council in 1999 had set up a local Standards Board and had adopted Standing Orders and principles for dealing with complaints about Councillors. The report set out and reviewed the 1999 Standing Orders and principles in the context of complying with the new duty to promote and maintain high standards of Member conduct, and made a series of recommendations for adoption by the Annual Council meeting in May 2012.

Resolved -

- (1) That the Council, on 23 May 2012, be recommended to:
 - (a) adopt a local Member Code of Conduct for the Council and arrangements to promote and maintain high standards of conduct by Members, to come into effect from 1 July 2012;
 - (b) base the local Member Code of Conduct on the current Model Code, modified to include revised reference to the updated Nolan Principles set out in the Localism Act 2011, and the registration and declaration of pecuniary and non-pecuniary interests;
 - (c) adopt arrangements to include:
 - (i) a local Standards Committee, with terms of reference and Standing Orders based on those adopted for the predecessor Standards Panel in 1999, which were set out in Section 5.5 of the report, which would be updated to reflect the requirements of the Localism Act 2011;
 - (ii) a preliminary filter stage by the Monitoring Officer (where the complaint may be rejected on the grounds set out in paragraph 5.6.2 of the report or an informal local resolution reached) followed by a flexible, three-stage Member complaints process as described below:

Stage 1:	reference to Councillor's Group Leader to be dealt with under Group disciplinary process;
Stage 2:	investigation commissioned by Chief Executive / Monitoring Officer;
Stage 3:	investigation report to public Standards Committee;
 - (iii) Standing Orders and principles for dealing with complaints about Councillors for the local Standards Committee to be

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based on those adopted for the predecessor Standards Panel, in 1999;

- (iv) continuing to have (independent) co-opted members of the local Standards Committee, subject to the number of co-opted members not exceeding one third of the Panel's total membership, and the minimum requirement being one co-opted member;
 - (v) appointing Mrs Tina Barnes to continue to serve on the successor local Standards Committee as a co-opted Member;
 - (vi) appointing a co-opted member to be the Chair of the successor local Standards Committee in continuation of the current practice;
- (2) That the Monitoring Officer be authorised to work with the Committee and Group Leaders:
- (a) to prepare a job description, person specification and advertisement for the position of Independent Person, and to agree the process and timetable for advertising and recruiting to the new position of Independent Person, before 1 July 2012;
 - (b) to prepare a job description and person specification for the independent Chair and other co-opted members of the Standards Committee, and to agree the process and timetable for recruiting the co-opted members;
- (4) That the payment of a modest Special Responsibility Allowance to the Independent Person and Independent Chair of the Committee be supported, and the Monitoring Officer report to the members of the Committee on the proposed allowances that could be payable to the Independent Person, the independent Chair of the Standards Committee and any other co-opted members of the Standards Committee.

(The meeting commenced at 5.30pm and closed at 5.55pm).

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