

## **MINUTES OF THE STANDARDS COMMITTEE**

**10 MAY 2012**

**Present:**

**Councillors:**

Mrs M. Bushnell

G.E. Forsbrey

Mrs J.A. Dale

Mrs M.J. Madams

R.D. Dunn

S.D. Taylor

**Independent Members:**

Mr Murray Litvak (Chairman)

Mrs Sue Faulkner (Vice Chairman)

**In Attendance**

At the invitation of the Chairman, Councillor F. Ayer, the Leader of the Council, was in attendance and participated in the discussion on the Code of Conduct and Standards Committee.

**126/12 MINUTES**

The minutes of the meeting held on 5 December 2011 were approved as a correct record.

**127/12 DISCLOSURES OF INTERESTS**

No disclosures were made.

**128/12 CODE OF CONDUCT AND STANDARDS COMMITTEE**

The Committee considered the report of the Monitoring Officer providing an update on the implementation of the new ethical standards regime which had been introduced by the Localism Act 2011.

The Committee discussed with the Monitoring Officer a draft code of conduct which had included the statutory aspects as well as including references to 'failure to treat with respect' and 'bullying' both of which the committee supported being included in the new code. Although it was originally anticipated that the new code would come into force on 1 April 2012 the new regulations were still awaited, and the commencement date has been extended until 1 July 2012. The Code also needs to include provisions about Members' interests with the rest of the content being left to the Council to decide.

The Committee discussed the benefits of retaining a committee to deal with ethical matters and to deal with complaints against councillors including arrangements for investigation. The committee supported a stand-alone committee to deal with such matters but felt that the size of the committee be 8 councillors (subject to the proportionality rules) plus the retention of the current independent Chairman and Vice Chairman in an advisory role. The terms of reference for this committee to be similar to that of the current Standards Committee but to include keeping an overview and advising on the Employees Code of Conduct and references to 'advising on the Council's Anti

Fraud and Corruption Strategy and Confidential Reporting Code' being deleted as this was undertaken by the Audit Committee. The new committee to be called the Member Code of Conduct Committee.

In relation to registration of Interests the Committee noted that the Monitoring Officer would be required to keep and publish a register as before, but the details of the duty to notify were different and the registers had to be available on line. It was noted that the regulations about Disclosable Pecuniary Interests had yet to be published.

The Committee discussed the current £25 limit for disclosing receiving gifts and hospitality and felt that the amount should be increased to £35.

The Committee discussed with the Monitoring Officer proposed arrangements for considering, investigating and determination on allegations of breach of the code and the appointment of an 'Independent Person'.

Members expressed concern about the power of the Hearings Panel to make recommendations when there was no group leader to receive them. There was a possibility that a Hearings Panel would have less powers if they were considering the case of an Independent Member.

The Committee supported the overall objectives of the arrangements being:

- (a) To reassure residents and others that complaints would be dealt with swiftly, properly and transparently;
- (b) To be simple, clear and follow the rules of natural justice;
- (c) Not to be bureaucratic i.e. they should follow the law and not build in unnecessary additional measures;
- (d) To allow councillors to take decisions on whether a fellow councillor should be investigated, and, following investigation whether that councillor should be held in breach of the code;
- (e) To allow the Monitoring Officer to dismiss complaints from timewasters i.e complaints which are vexatious, frivolous or politically motivated;
- (f) To allow for the Monitoring Officer to be accountable for such decisions in (e) above,
- (g) To remove the requirement to have a Standards (Review) sub committee a feature of the present statutory requirements which it was felt unnecessary and wasteful, and
- (h) To ensure there is an element of outside scrutiny and objectivity by preserving the knowledge and experience of the Independent members of the standards committee.

**RESOLVED:**

1. To note the provisions of the Localism Act 2011 as it affects the ethical framework of the Council.
2. That the Monitoring Officer reports the committee's views on the changes to the Standards regime as identified at the meeting to Overview and Scrutiny Committee and Cabinet; and
3. Training for all members on the new requirements be given at the appropriate time.