

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 6 May 2008 at 2.15 pm in
Anglia Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr M.D. Eveling JP	Mr B.D Rayner
Mrs J. Jenkins (Chairman)	Mr G. Ridgway
Mr D.S. Myers	Mr F.J. Sharpe
Mrs M. Oechsle	Mr M. Whittley

In Attendance

Susan Allen	- Standards Officer
John Chinnery	- Solicitor & Standards Consultant
Sue Daniels	- Electoral Services Manager
Mark Finch	- Chief Accountant
Tim Leader	- Deputy Chief Executive
Helen McAleer	- Member Services Officer

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26/08 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 15 April 2008 were confirmed as a correct record and signed by the Chairman.

The Solicitor and Standards Consultant told the Chairman that he was still waiting to hear about the budget available for attendance at the Seventh Annual Assembly of Standards Committees.

27/08 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr D Williams.

28/08 WHISTLE-BLOWING POLICY (AGENDA ITEM 6)

The Chief Accountant was present to answer questions on this report.

He explained that this policy had been approved at Cabinet and set out the procedures for investigating inappropriate behaviour. Only matters concerning Members would be referred to the Committee and guidelines on how to investigate allegations would be provided. If it was considered that further investigation was warranted, this would normally be carried out by the Internal Auditor.

RESOLVED to approve the Whistle-blowing Policy.

29/08 MEMBERS' CODE OF CONDUCT (AGENDA ITEM 7)

The Standards Consultant gave a brief overview of the Code of Conduct using a PowerPoint presentation.

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He explained that the consequences of abuse of the Code ranged from 'No Action' to disqualification for five years.

The powers of the Committee had been extended to allow them to suspend a Member for up to six months.

The Code applied to Members acting in their official capacity – or giving that impression. There was a booklet available which explained the terms used in the Code.

The Code defined the behaviour expected of Members and it was up to the individual to interpret its requirements. The underlying theme of the code was the need to act with appropriate standards. Members were advised to consider the 'spirit' of the Code rather than individual statements within it.

Flowcharts were passed to Members to assist in the decision making process on when a member had an interest and whether it was a personal or a personal and prejudicial interest. It was pointed out that Members could not have a prejudicial interest without first having a personal interest.

Members declaring a personal interest should clearly state the nature of that interest. They could then stay in the meeting and take part in any vote.

Personal interests related to things covered by the Register of Interests, to a Member's wellbeing or financial position or to the wellbeing or financial position of a relevant person (including extended family members, friends and acquaintances and anyone that a member of the public might think that a Member would favour).

The Code was more restrictive than the previous Code in relation to prejudicial interests and defined them as anything relating to a financial interest or to matters where approval / permission was granted where a member of the public would consider that a Member's interest would affect their judgement.

Members declaring a personal and prejudicial interest should leave the room and take no part in any discussion or vote. It was not enough to withdraw from the discussion but to remain in the room. Their very presence could influence what others said, or did not say.

Discussion then followed on the anomaly that if a meeting was open to speaking by members of the public, a Member had a constitutional right to remain in the meeting and speak even if they had declared a personal and prejudicial interest. They could choose to be the final speaker and only had to leave the room once they had spoken. This meant that they could be in the room and hear everything said up until the time that they spoke.

Members then referred to the procedure at many Town and Parish Council meetings where it was the practice to 'suspend' the meeting to enable members of the public to speak. The Chairman confirmed that the National Association of Local Councils advised its members

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to do this. It was acknowledged that members of the public attended meetings because they wanted information or had questions. Members at the meetings wanted to be able to answer questions, but felt constrained if they had an interest and were unsure of the position in relation to the Code about speaking whilst the meeting was suspended. The Monitoring Officer suggested that a change to Standing Orders for the Town/Parish Council could allow the public to participate during the meeting, without having to suspend proceedings, thus avoiding confusion.

The Standards Consultant then explained that there were occasions when dispensations could be sought, for instance when more than 50% of a council were unable to take part in a vote due to prejudicial interest.

The Register of Interest had to be filled out by every Councillor and failure to do so was a breach of the Code. A separate Register had to be completed for each position held, so a Parish Councillor who was also a District Councillor and a County Councillor would need to fill in three Registers of Interest.

Finally it was mentioned that 10 Principles of Public Life had been included in the Code at the request of the Standards Board for England. These principles were a guide and non-compliance did not constitute a breach of the code.

30/08 ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND - UPDATE (AGENDA ITEM 8)

The Standards Consultant explained that he had been unable to prepare a report for the meeting as the Order had been received the day before the agenda was issued.

He ran through the regulations and drew attention to Clause 7 concerning the minimum number of members required for the sub-committees.

An address had to be publicised to which written allegations could be sent. This could be placed in Breckland Voice and one of the local newspapers. It was also necessary to publish the procedures to be used when dealing with written allegations. Details of this might need to be agreed at the next meeting.

A new provision of the Act required the Monitoring Officer to report back to Standards Committee on any issues referred to him by the Assessment sub-committee.

Parish Councils were required to assist investigations and the Monitoring Officer could request that any costs incurred by them be met by the Council.

There were two stages when a report is received after a full investigation. The Investigating Officer would report to the committee and if the finding was of 'no failure' the committee could accept this or refer the matter to a full hearing.

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Further guidance had recently been received which helped to clarify the requirements of the regulations, including suggested standard questions for the sub-committee to use when assessing allegations.

31/08 SUB-COMMITTEES OF STANDARDS COMMITTEES (AGENDA ITEM 9)

An Assessment sub-committee and a Review sub-committee needed to be established. No-one could serve on both committees in relation to the same matter. Each had to have a minimum of three members including one elected Member, and one Parish Councillor if a parish council matter was being discussed. The Chairman of each had to be independent.

A discussion followed on the most appropriate number of Committee members for full hearings. It was suggested that initially it might be best for the full committee to sit. However it was considered that this might intimidate those being investigated.

To maintain the required quorum it was suggested that four or five members for each sub-committee would be best. If there were five, two would need to be independent members.

A vote was held and it was

RESOLVED that sub-committees for Assessment, Review and Hearings be formed, each consisting of four members and that all committee members would be used in rotation.

A request was made that a tally was kept to ensure all members participated equally.

The Chairman asked if any members felt they needed training, particularly independent members who would be required to chair the sub-committees. She felt that training was important for public perception and confidence.

The Standards Officer mentioned that following the publication of the minutes from the previous meeting she had been contacted by the Clerk to Thetford Town Council asking about training. With the new procedures in place she suggested that she write to all town and parish councils offering training and particularly offering training to their Chairmen.

The Monitoring Officer suggested that the Member Services Manager could address the next meeting to outline his proposals for Member training.

Ian Vargeson

32/08 LOCAL ASSESSMENT PROCEDURES (AGENDA ITEM 10)

The Standards Consultant distributed case notes provide by the Standards Board for England and a flowchart on complaint handling.

Members read through the cases and discussed the outcomes.

Each Authority had to work out its own procedures. From the examples given it was clear that in some cases, précis reports were provided by officers, rather than the committee receiving the complete complaint form (which could be quite sizeable). However, following discussion it was felt that to get a complete picture, it was necessary to see all the information.

33/08 NEXT MEETING

A Member was concerned that Article 9 of the Constitution was 'out-of-date' following the changes to the Committee. The Monitoring Officer said there were a number of changes to be made and he would address these.

It was suggested that an item on expenses should be included on the next agenda.

The Monitoring Officer and the Standards Consultant indicated that the LDF raised some potentially difficult issues for Members of the Authority that would benefit from consideration by the Committee. A report would therefore be presented to the next meeting setting out the key issues and the way the Authority proposes to address them, for consideration and comment by the Committee.

Some discussion followed on how items came forward for inclusion on the agenda and the Committee were advised that officers would respond to their requests.

The next meeting of the Standards Committee would be held on 27 May 2008 at 2.15 p.m. in the Norfolk Room, Conference Suite, Elizabeth House, Dereham.

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Ian Vargeson

**Andrea Long,
John Chinnery**

The meeting closed at 4.20 pm

CHAIRMAN