

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 4 January 2011 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr M.D. Eveling JP

Mrs J. Jenkins (Chairman)

Mrs S.M. Matthews

Mrs M. Oechsle JP

Mr B.D Rayner

Mr G. Ridgway

Mr F.J. Sharpe

Mr M. Whittley

Mr D.R. Williams JP

Also Present

Mr J.P. Labouchere

In Attendance

Susan Allen

John Chinnery

Helen McAleer

Jane Osborne

- Standards Officer
- Solicitor & Standards Consultant
- Senior Committee Officer
- Committee Officer

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1/11 MINUTES

It was noted that the date at the end of the second paragraph of page two of the Minutes should be 2010, not 2011. Subject to that amendment the Minutes of the meeting held on 19 October 2010 were confirmed as a correct record and signed by the Chairman.

2/11 APOLOGIES

None.

3/11 URGENT BUSINESS

None.

4/11 DECLARATION OF INTEREST

None

5/11 NON-MEMBERS WISHING TO ADDRESS THE MEETING

Mr Labouchere was in attendance for Agenda Item 6.

6/11 ABOLITION OF THE STANDARDS REGIME

The Solicitor advised that the Localism Bill had been published on 13 December 2010. The Government would be revoking the general principles relating to the Code of Conduct and abolishing the Standards for England Board. The First Tier Tribunal would lose its jurisdiction. However, the present regime would continue in its normal manner for at

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least the next twelve months and there would be a further transitional period whilst any complaints under consideration were dealt with. During transition and after, censure and/or the offer of training would be the only sanctions available for those complaints, as the power to suspend or disqualify a Councillor would be removed.

Under the new regime, which was likely to come into force in the spring of 2012, Councillors would still be required to register and declare their interests. Failure to do so would become a criminal offence.

Local Authorities and Parish Councils would be able to adopt a voluntary Code of Conduct if they so chose.

There were still a lot of unanswered questions and more details were awaited from the Government, particularly in relation to the definition of the new criminal offence. There was concern that complaints to the police would be difficult to action and that if no regime was in place new Councillors might act inappropriately and degrade the whole system.

Bullying and intimidation would not be covered by the criminal sanctions and Officers, Clerks and members of the public might receive less protection from any voluntary codes that were adopted.

If Parish Councils chose to adopt a voluntary Code they would need to specify someone who would act as a 'Monitoring Officer'.

Members discussed the implications of the removal of the current regime and Code of Conduct model. They felt unable to plan for the future without receiving a steer from the Council on its future intentions.

The Bill would abolish the requirement to have Independent Members although Councils could still choose to appoint them. Members felt it was extremely important for Independent Members to be retained to maintain public confidence.

It was noted that the Chairman's term of office expired in May and she stated that she would not be standing for re-election. The Standards Officer had prepared a timetable for the recruitment of a new Independent representative. However, Members felt that in the current uncertain times it would not be cost-effective to recruit anyone.

It was suggested that the Standards Committee could continue with only eight Members and it was

RESOLVED to **Recommend to Council** that, as from May 2011, the Standards Committee membership be reduced to eight: two Independent Members, three Parish Councillors and three District Councillors.

The Chairman suggested that the Leader of the Council should be asked to make the Council's intentions clear for the sake of new Councillors elected in May. However, the Solicitor thought that the Committee should point out that the existing regime would continue for at least the next twelve months. He asked Members if they considered that more training was needed.

Members agreed that induction training for new Members was imperative but did not feel that any other training should be considered until the way forward was clearer.

Mr Labouchere said that he had found the debate very interesting. He felt that he had been the subject of some vexatious accusations which had made his life very difficult. He hoped that the procedures would be addressed in the future to prevent such complaints from inhibiting a Councillor's ability to do his/her job.

He suggested that candidates for membership should be made aware of the requirements of the Code of Conduct in advance of being elected and that the parameters of irresponsible behaviour needed to be made clear to the electorate and the Members.

The Solicitor agreed to check that information on the Code of Conduct was included in the prospective Councillor's application pack.

A Member also suggested that prospective Councillors should be made aware of the new criminal offence regarding declarations as he felt that it was something that could potentially affect their livelihoods if they had to face criminal proceedings. He suggested that this should be included in the newsletter sent to Town and Parish Councils.

7/11 CITIZEN'S PANEL

The Solicitor advised that the report was for information and that the major tables were on pages 19 and 21.

Members were surprised at the percentage of people who had heard of the Standards Committee and knew what it did. They suggested that it should be pointed out to the Council that the Standards regime had good support.

The Solicitor agreed to check that the Panel's report went to Cabinet.

8/11 ITEMS FOR FUTURE AGENDAS (STANDING ITEM)

A Member asked if the disclaimer concerning pre-determination by Planning Officers had been added to the website. The Solicitor agreed to check that it had.

No items were proposed.

9/11 NEXT MEETING

The arrangements for the next meeting were noted.

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John
Chinnery

John
Chinnery

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The meeting closed at 3.20 pm

CHAIRMAN