

**BRECKLAND COUNCIL**

**At a Meeting of the**

**STANDARDS COMMITTEE**

**Held on Tuesday, 15 May 2012 at 2.15 pm in  
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

**PRESENT**

Mr A D Sommerville CPM  
Mrs J R Smith JP  
Mrs S.M. Matthews

Mr G. Ridgway (Chairman)  
Mr F.J. Sharpe

**Also Present**

Mr M. A. Wassell

- Executive Member for Finance &  
Democratic Services

**In Attendance**

Susan Allen  
John Chinnery  
Helen McAleer  
Vicky Thomson

- Standards Officer  
- Solicitor & Standards Consultant  
- Senior Committee Officer  
- Assistant Director - Democratic Services

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**31/12 MINUTES (AGENDA ITEM 1)**

The Minutes of the meeting held on 24 April 2012 were confirmed as a correct record and signed by the Chairman.

**32/12 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Mr Eveling.

The Standards Officer informed Members that Mr Rayner had resigned from Narborough Parish Council and was therefore no longer eligible to serve on the Committee. Mr Rayner had sent his best wishes to the Members. The Committee thanked Mr Rayner for his contribution to the Committee's work.

**33/12 URGENT BUSINESS (AGENDA ITEM 3)**

None.

**34/12 DECLARATION OF INTEREST (AGENDA ITEM 4)**

None.

**35/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING  
(AGENDA ITEM 5)**

Mr Wassell was in attendance.

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**36/12 ITEMS FOR FUTURE AGENDAS (STANDING ITEM) (AGENDA ITEM 6)**

The Standards Consultant advised Members that the new Regulations had been drafted and would be laid before Parliament shortly. The target date for the introduction of the new system was 1 July 2012. As there were currently no outstanding complaints it was likely that there would be no further meetings of the Committee.

**37/12 NEW STANDARDS REGIME (AGENDA ITEM 7)**

A Member asked if the pecuniary interest details had been published.

The Standards Consultant said that they would be in the forthcoming regulations but that he had not seen them yet.

The Chairman noted that the Standards Committee would remain 'on duty' until 30 June 2012 in case anything came forward that needed attention.

**38/12 CABINET RECOMMENDATIONS ON STANDARDS (AGENDA ITEM 8)**

The report on the agenda had been presented to Cabinet the previous week and following the comments made at that meeting an amended copy would be presented to Council on 24 May 2012. A copy of the amended report had been circulated to Members with the changes highlighted.

The Chairman said that it was the duty of the Committee to provide input to the report using the experience they had. He wanted to ensure that all the voters and Council Tax payers in the District were aware that there was a regime to deal with complaints. He asked Members to provide their comments as positively as possible and the following points were discussed:

- At point 4.5 of the report it stated that the Council had no power to impose sanctions, but then proposed a list of possible sanctions. Did the Council have the power to enforce sanctions?

Statutory sanctions were being removed, but there were some non-statutory sanctions that could be enforced.

- It was suggested that the report should be reworded to say that the Act had removed previous powers – rather than saying that it did not give any powers.

It was noted that due to the lack of detail of the new Regulations

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the report had been drafted based on assumptions of what they were expected to allow. Once the Regulations were published it might be necessary to make changes to the recommendations.

The Standards Consultant advised that the legal situation was that once the sanctions in the current regime were removed matters would be dealt with under Common Law. That relied on previous cases of which there were various interpretations on the extent of the Council's powers. The key points to consider would be how far could the Council go in withdrawing facilities, excluding Members and removing appointments, etc.

- At point 4.2 (second paragraph) it suggested that the Monitoring Officer could seek to resolve a complaint before formal investigation. How could such a decision be made without doing some background investigation? If left to the Monitoring Officer alone, it could be classified as a closed forum.

It was envisaged that the Monitoring Officer would carry out the role of the former Assessment Sub-Committee in deciding if there was enough information to pass a matter for investigation.

- At point 4.4 – who would carry out the formal investigation? It would put the Monitoring Officer in a difficult position if they were expected to carry it out and then deal with the decision. It was suggested that it should be made clear in the report that following formal investigation the matter should be referred back to the Audit Sub-Committee.

The Monitoring Officer confirmed that she would only make any decisions where she had not been involved in an investigation.

- At point 4.6 it stated that there was no requirement for an appeals mechanism as any decision would be open to judicial review. For the benefit of local Councillors and to avoid the costs of a judicial review it was suggested that a local appeal facility should be made available.

It was pointed out that the Council had a Corporate Complaints system and that there was no requirement under the Act to have an appeal facility.

- At recommendation 4.e it implied that as only one Independent Person was to be appointed a Member would have to seek advice from another authority's Independent Person, to avoid a conflict of interest. However the Act did not allow consultation with an outside Independent Person. The report needed to clarify intentions.

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It was not the intention to use other Independent Persons without their formal appointment by full Council. If appropriate, discussions would take place about sharing Independent Persons with other authorities.

It was confirmed that the Council did not intend to have a Joint Panel with Town & Parish Council representation. Town & Parish Councils could agree to delegate powers up to Council.

- Members were concerned that if Town & Parish Councils were not engaged in the new process they would not agree with Breckland proposals and might adopt their own, individual Codes of Conduct. The Committee acknowledged that under the previous regime problems had arisen due to a lack of communication with the Town & Parish Councils which was why they wanted to press the point.

The Executive Member thanked the Committee for its comments and for the work they had done. He advised that the Norfolk Monitoring Officers were holding regular meetings and everyone hoped that the details of the new Regulations would be published soon.

The Chairman concluded the discussion by reiterating that the Members of the Committee had a lot of experience and would be available to assist if required.

**39/12 NEXT MEETING (AGENDA ITEM 9)**

It was noted that the next scheduled meeting would only take place if required.

The meeting closed at 2.55 pm

CHAIRMAN