

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 4 March 2008 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr D.R. Williams JP (Chairman) Mrs M. Oechsle JP
Mrs J. Jenkins Mr M.D. Eveling JP
Mr D.S. Myers Mr F.J. Sharpe

In Attendance

John Chinnery - Solicitor & Standards Consultant
Stephen McGrath - Principal Committee Officer

Action By

6/08 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 22nd January 2008 were confirmed as a correct record and signed by the Chairman.

7/08 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Susan Allen (Standards Officer) and Malcolm Whittley.

8/08 URGENT BUSINESS (AGENDA ITEM 3)

(a) New Members - Welcome

The Chairman explained that the Membership of the Standards Committee had increased with effect from 21st February 2008 to 9 members. He welcomed the new Members on to the Committee and wished them well for the future. He then pointed out that the regulations with regard to the Standards Committee were changing and that, with effect from the next meeting, there would be a need to appoint an independent Chairman for this Committee.

9/08 DECLARATION OF INTEREST (AGENDA ITEM 4)

The following Declaration was made:-

Mr D Myers – personal interest in regard to Agenda Item 10 on the grounds that he knew the Member of Watton Town Council who had been subject to the investigation and also the circumstances of that case.

10/08 CHAIRMAN'S ANNOUNCEMENTS (IF ANY) (AGENDA ITEM 6)

(a) Standards Training – The Local Filter

The Chairman reminded Members that Broadland District Council had invited the Monitoring Officers and Standards Committee Members from each of the Authorities in Norfolk to attend a

presentation on the Standards Board for England's Filter Model. This presentation would be held at the Marriott Sprowston Manor, Wroxham Road, Norwich on Thursday, 13th March 2008 (10.00 a.m. to 2.30 p.m.).

The presentation would be given by Alison Dennett, Acting Monitoring Officer with Hull City Council, who represented one of the Authorities that participated in the Standard Board for England's Filter Model. In addition, Paul Hoey, from the Standards Board for England, would be attending the event and time would be permitted within the programme to allow Monitoring Officers and Standards Committee Members the opportunity to raise any standards-related issues with him.

Members agreed to note the arrangements for the training session as set out above.

11/08 APPLICATION FOR DISPENSATION - BAWDESWELL PARISH COUNCIL (AGENDA ITEM 7)

Members gave consideration to an application for a dispensation from Bawdeswell Parish Council in respect of Former Highway Surveyor's Land in Bawdeswell. The 7 parish councillors were all Trustees of the former Former Highway Surveyor's Land and, as such, would have to declare an interest.

RESOLVED that a dispensation be granted until the end of May 2011 to the under-mentioned named members of Bawdeswell Parish Council to allow them to speak and vote on any matters relating to the Former Highway Surveyor's Land in Bawdeswell:-

Mr John Mallen (Chairman)
Mr David Shannon (Vice-Chairman)
Mr J Lilwall
Mr M Hipperson
Mr D Cockburn
Mr C Beane
Mr W Mason.

12/08 STANDARDS COMPLAINTS: LOCAL FILTER: TERMS OF REFERENCE OF COMMITTEE (AGENDA ITEM 8)

The Solicitor and Standards Consultant reported that the new draft Regulations were not available but it was expected that they would grant the new powers and duties directly to Standards Committee or to sub-Committees of that Committee. Whether or not that proved to be the case, it was recommended that a new provision should be inserted into the Committee's Terms of Reference. The new wording would also cover the situation where issues were not within the scope of the Code of Conduct.

RECOMMENDED that Council be asked to agree the following changes to the Standard Committee's Terms of Reference:-

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Standards
Officer

Solicitor &
Standards
Consultant for
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13. *(Minor amended wording)*

“To hear any formal complaints against Members (including parish councillors) which are not within the scope of the Code of Conduct and to make recommendations to full Council or to the relevant Town/Parish Council where appropriate.”

14. *To deal with any assessments, reviews, hearings or other matters relating to complaints under the Member’s Code of Conduct in accordance with legislation.”*

13/08 ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND - UPDATE (AGENDA ITEM 9)

The Solicitor and Standards Consultant informed Members that details on the Regulations and Guidance on the new Standards Committee powers as provided for under Part 10 of the Local Government and Public Involvement in Health Act 2007 were still awaited. He confirmed that he had spoken to a representative of the Standards Board earlier that morning and had been advised that the start date for the implementation of these regulations had been deferred a month to 1st May 2008. The Standards Board for England were still preparing the draft guidance which was expected to be available later this month. Similarly, the Regulations had not been available as further discussion on several matters was still taking place.

Members were informed that the delay in implementing the Regulations was welcome as it gave officers more time to prepare the paperwork required, albeit it was hoped that the guidance would produce templates for much of this documentation. Officers had been advised that the new Regulations would repeal all of the current regulations.

During discussion of this item, the Chairman advised that the requirement to appoint an independent Chairman with effect from 1st April 2008 would be unaffected by the delay in introducing the new regulations and thereby a new independent Chairman would be appointed at the next meeting of the Standards Committee on 15th April 2008.

Members agreed to note the progress made to date.

14/08 STANDARDS BOARD FOR ENGLAND: INVESTIGATION REPORT - COUNCILLOR B. WYKES: WATTON TOWN COUNCIL (AGENDA ITEM 10)

The Report on the Recommendation of the Standards Board for England in this matter was noted.

During discussion of the Report, Members highlighted that there had been several instances of problems relating to Code of Conduct issues relating to Watton Council. It was agreed to offer Code of Conduct training to the Town Council and officers were asked to monitor the situation.

Action By

RESOLVED that the Standards Officer be asked to offer Code of Conduct training for Members and the Clerk to Watton Town Council, monitor the situation and discuss possible future action with the new Chairman of the Standards Committee if the problem continues.

Standards
Officer

15/08 APPOINTMENT OF ADDITIONAL INDEPENDENT MEMBER (AGENDA ITEM 11)

The Chairman reminded members that on 17th January 2008, Council had increased the Standards Committee Membership, with effect from 21st February, to 9 Members, being 3 Breckland Members, 3 parish Members and 3 independent lay Members. There was currently 1 remaining independent lay Member appointment to be made.

When the prospective lay Members were interviewed by this Committee on 17th April 2007, one applicant was noted as a possible reserve: Mr George Ridgway of Attleborough. Mr Ridgway had recently indicated that he was still interested in the position and his application form had been appended to the Agenda for Members' perusal.

The Solicitor and Standards Consultant advised Members that a former member of the Standards Committee, Mr Ralph Morgan, had approached him with a view to him being considered for the vacancy. He pointed out that if Members were to consider Mr Morgan for this position, it would be necessary to re-advertise the vacancy to see if any other applicants were forthcoming and then conduct interviews with any person who applied for the position.

During consideration of the appointment of the independent Member, Members unanimously agreed that Mr Ridgway had been appointed as the reserve last year, during which 15 candidates were interviewed. As such, it was felt that Mr Ridgway was the best applicant for the post.

RECOMMENDED that Council be asked to appoint Mr G Ridgway as the third independent lay Member of the Committee.

Solicitor &
Standards
Consultant for
Council 10/4/08

16/08 NEXT MEETING (AGENDA ITEM 12)

RESOLVED that the next meeting of the Standards Committee be held on 15th April 2008 at 2.15 p.m. in the Norfolk Room, Conference Suite, Elizabeth House, Dereham.

The meeting closed at 3.00 pm

CHAIRMAN