

**BRECKLAND COUNCIL**

**At a Meeting of the**

**STANDARDS COMMITTEE**

**Held on Tuesday, 27 May 2008 at 2.15 pm in  
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

**PRESENT**

Mrs J. Jenkins (Chairman)	Mr B.D Rayner
Mr M.D. Eveling JP	Mr G. Ridgway
Mrs M. Oechsle JP	

**In Attendance**

Susan Allen	- Standards Officer
John Chinnery	- Solicitor & Standards Consultant
Tim Leader	- Deputy Chief Executive
Andrea Long	- Environmental Planning Manager
Ian Vargeson	- Member Services Manager
Elaine Wilkes	- Senior Member Services Officer

**Action By**

**34/08 MINUTES**

The minutes of the meeting held on 6 May 2008 were confirmed as a correct record and signed by the Chairman.

**35/08 APOLOGIES**

Apologies for absence were received from Messrs. D. Myers, F. Sharpe, D. Williams. An apology for absence was also received from Mr. M. Whittle after the meeting.

**36/08 MEMBERS' INTERESTS IN THE LOCAL DEVELOPMENT  
FRAMEWORK PROCESS (AGENDA ITEM 7)**

The Solicitor and Standards Consultant presented the report, which outlined the difficulties and issues which members of Breckland Council and the Town and Parish Councillors in the Breckland area would have during the process leading to the adoption of the new Local Development Framework (LDF).

The LDF was the new Development Plan Document covering the Breckland District and was relevant to the development control process and would define settlement boundaries and development areas.

The LDF process had now reached the point where the Council needed to look at individual settlement boundaries and policies around the towns and villages and specific site details.

The opportunity for landowners to put forward their sites had elicited a number of land bids and requests for settlement boundary amendments. The Council needed to be clear and transparent about how it determined which sites were to be allocated for future development.

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The issue of members' interests was relevant to the fact that land had been put forward which was either owned directly or by a close family member of 15 Breckland Councillors. In addition, some parish councils had put forward land that they owned for inclusion and a number of Breckland councillors are also parish councillors in those particular wards. Other parish councillors will have put forward their own bids. There were also some Breckland members who were directly representing clients and putting forward land bids, or were active in the development industry in a professional capacity.

Specific advice had been issued to Breckland members by letter dated 2 November 2007 but it was felt desirable as the Site Specifics stage of the LDF commenced to review the position, particularly bearing in mind that one of the principal reasons, aside from the provisions of the Members' Code of Conduct, why Members' interests were important in the LDF process was that participation of Members who had prejudicial interests in the process could lead to the process and the final LDF itself being procedurally tainted (i.e. found unsound).

The Committee's views and observations were sought, therefore, on the situations which might arise for District and Parish Councillors and on the advice so far given by officers. The Committee was also asked to consider whether any further advice was needed or desirable at this stage to be given to members of the District and Parish Councils.

The Committee concurred that the LDF process could present difficulties for members in being confident of when any interest they might have become a prejudicial interest. Equally, the Committee was conscious that, in standards matters, the public perception of how these interests might be seen was highly relevant.

While the Committee was quite satisfied that the Council's processes were being properly conducted and there was no suggestion otherwise, it was felt that, given the role of the Policy Development and Review Panel 1 and the Cabinet in the LDF process, it could help to avoid any potential challenges and to safeguard members' personal positions in connection with the Code of Conduct if the membership of Panel 1 excluded any Members who were promoting sites on behalf of themselves or any other person and if the Cabinet simply transmitted site specific documents direct to Full Council, rather than be involved in debating them.

It was also considered important for the members of the Overview and Scrutiny Commission to continue to be mindful of the need to declare any personal or prejudicial interest in receiving references from Panel 1 on the LDF in appropriate circumstances.

In this way, the Committee felt that the Council would safeguard its position as the LDF progressed through the decision making process. The public perception of the standards being applied to the process was important. In assessing the application of the Code to their own circumstances, members should observe the spirit of the

Code as well as the detail.

For these reasons, the Committee

**RECOMMEND** to the Council that:

- (1) Policy Development and Review Panel 1 be reconstituted to ensure that it is not comprised of any Members who are promoting sites under the LDF on behalf of themselves or any other person;
- (2) On the basis that a number of members of Cabinet were making representations or were involved in the process, Cabinet be not involved in the deliberation of LDF sites specifics allocations, settlement boundaries and other matters but simply transmit site specific documents direct to full Council;
- (3) Members of the Overview and Scrutiny Commission continue to be mindful of the need to declare any personal or prejudicial interest in receiving references from Panel 1 on the LDF in appropriate circumstances;
- (4) the Council remains conscious of public perception and of the need to act in the spirit of the Code of Conduct at all times; and
- (5) the general advice on members' interests as given in paragraph 7 of the report of the Monitoring Officer be endorsed.

### **37/08 MEMBER TRAINING (AGENDA ITEM 8)**

The Member Services Manager advised that there was a small budget allocated to the Elected Member Development Programme to assist the Council towards its objective to attain EERA Charter status for Elected Member Development. The inspection and assessment for Charter status was due to take place in November 2008.

One of the primary tasks for the Council was to identify individual and corporate training needs and to tailor training to those needs. The Member Development process was being managed by the Member Training Panel.

All elected members of the Council had been asked to complete a questionnaire which addressed the various aspects of a councillor's role. The responses from these would be analysed to establish what was needed and how best to meet the needs identified.

Other general training was carried out by the Council through its Member Induction procedures, with more specific training being provided where necessary in areas such as development control, licensing, scrutiny, standards, risk management, media, shared services, public speaking etc. Training on chairmanship was currently outstanding.

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The Committee was invited to indicate any areas of training they felt would be beneficial to them and which could be followed up.

After a brief discussion, the Committee agreed it would be useful to have a presentation of relevant information taken from that used for the Council's Member Induction training, which would enable them to have an overview of how the Council worked as a whole.

**RESOLVED** that the Member Services Manager be asked to give a presentation to the next meeting of the Committee as outlined above.

Ian Vargeson

As an addendum to this item, it was noted that the Council had not been able to accede to the Committee's request for funding for additional places at the next Standards Board for England Annual Assembly as there was insufficient budget. The position was noted.

**38/08 MEMBERS' EXPENSES (AGENDA ITEM 9)**

The Member Services Manager explained the background to the Council's scheme of allowances for independent and co-opted members and to the Council's overall scheme of members' allowances generally.

The Independent Remuneration Panel was due to be re-appointed later this year and the Panel would then conduct a review of the Council's scheme of allowances, which would include looking at any increases in duties. It was noted that any increases were payable retrospectively.

A member commented that there was a case for a review of the allowances payable to independent and co-opted members of this Committee, which was meeting more frequently and to take account of the new responsibilities being placed on standards committees under the Local Government and Public Involvement in Health Act 2007. The present allowance of £339 per annum appeared unrealistic, particularly in the case of those members who lost earnings as a result of attending meetings.

The Member Services Manager replied that the level of additional work of the committee should be known by the time the Independent Remuneration Panel began its review of the scheme of allowances, when members' views and comments could be taken into account, and any anomalies corrected (for example, the question of allowances for independent chairmen of sub-committees, which was something not in existence before now).

The position was noted.

**39/08 NEW PROCEDURAL ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS (AGENDA ITEM 6)**

The Solicitor and Standards Consultant presented the Assessment and Review Procedures, which had been taken from the guidance received from the Standards Board for England.

**Action By**

It was accepted that the procedures would evolve over time and with experience but they gave the Committee an adequate basis from which to proceed.

The procedures would be kept under review and could be amended in the light of experience.

Some minor textual corrections were noted, subject to which it was

**RESOLVED** that the Assessment and Review procedures be adopted.

**40/08 NEXT MEETING**

The arrangements for the next meeting on 8 July 2008 were noted.

The meeting closed at 3.56 pm

CHAIRMAN