



AGENDA

NOTE: In the case of non-members, this agenda is for information only

- Committee** - **STANDARDS COMMITTEE**
- Date & Time** - Tuesday, 17th May, 2011 at 2.15 pm
- Venue** - Anglia Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham

Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.

Committee Members

Mr. M. Eveling JP (*Independent*)
Mrs. S.M. Matthews (*Breckland*)
Mr. B. Rayner (*Parish*)

Mr. G. Ridgway (*Independent*)
Mr. F. Sharpe (*Breckland*)
Mr. D. Williams JP (*Breckland*)

Persons attending the meeting are requested to turn off mobile telephones

Member Services
Elizabeth House, Walpole Loke,
Dereham Norfolk, NR19 1EE

Date: Tuesday, 10 May 2011

PART A
ITEMS OPEN TO THE PUBLIC

	<u>Page(s)</u> <u>herewith</u>
<p>1. <u>CHAIRMAN</u> To appoint a Chairman of the Committee for the ensuing year.</p>	
<p>2. <u>MINUTES</u> To confirm the minutes of the meeting held on 29 March 2011.</p>	1 - 4
<p>3. <u>APOLOGIES</u> To receive apologies for absence.</p>	
<p>4. <u>URGENT BUSINESS</u> To note whether the Chairman proposes to accept any item as urgent business pursuant to Section 100(B)(4)(b) of the Local Government Act 1972.</p>	
<p>5. <u>DECLARATION OF INTEREST</u> Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Members' Code of Conduct requires that declarations include the nature of the interest and whether it is a personal or prejudicial interest.</p>	
<p>6. <u>NON-MEMBERS WISHING TO ADDRESS THE MEETING</u> To note the names of any non-members wishing to address the meeting.</p>	
<p>7. <u>TO CONSIDER ANY APPLICATIONS RECEIVED FOR THE PARISH COUNCIL REPRESENTATIVES ON THIS COMMITTEE</u> Any applications received for the Parish Council representatives will be put before the Committee, in order for a short list (if possible) to be drawn up. There will be at least two representatives needed. It is suggested that a sub-Committee is then appointed to interview those on the short list and to make a recommendation direct to full Council on 23 June for their appointment, since the next meeting of this Committee is not scheduled until 5 July.</p>	
<p>8. <u>DISPENSATIONS GRANTED TO MAY 2011</u> All of the dispensations granted by the Committee to Parish Councillors expire at this year's elections. It is recommended that authority is given to the Monitoring Officer to grant the same dispensations (ie for the same reasons and purposes) on formal application by the newly elected parish councillors from the same authorities. Most of the dispensations relate to charities where the parish councillors are all trustees of the charity.</p>	

9. SCHEDULE OF MEETING DATES

To note the proposed dates for future Sub-Committee meetings.

10. LOCALISM BILL

A verbal update will be given on any new developments and on the progress of the Bill, from the Standards point of view.

11. TO CONSIDER WHAT THE LEADER SHOULD BE ASKED ON THE FUTURE OF THE STANDARDS REGIME

At the last meeting of this Committee, a report from the Norfolk Monitoring Officers meeting was made (Minute No 26/11), and the Committee asked to consider at this meeting what questions to put before the Leader relating to the future of Standards.

Possible questions include:

- (1) whether the Leader/Executive would be in favour in principle to a voluntary Code of Conduct for Breckland when the existing national Code is withdrawn;
- (2) to note that the Committee strongly believes that Independent Members can have a beneficial impact and role to play, particularly from the perspective of the public, and whether it is contemplated that they will be retained in a future Standards Committee;
- (3) whether there is any support for a County wide voluntary Code of Conduct and/or joint Standards Committee.

The Committee's instructions are requested.

12. ITEMS FOR FUTURE AGENDAS (STANDING ITEM)

To note items for inclusion on future agendas.

13. NEXT MEETING

To note the date of the next meeting on 5 July 2011.

14. EXCLUSION OF PRESS AND PUBLIC

To consider passing the following resolution:

"That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following items of business on the grounds that they involve the disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act."

15. SCHEDULE OF OUTSTANDING COMPLAINTS AND INVESTIGATIONS

For information, to let Members know which matters are in progress at present.

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 29 March 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

Mr B.D Rayner

Mr G. Ridgway

Mr F.J. Sharpe

Mr M. Whittley

In Attendance

John Chinnery

Susan Allen

Helen McAleer

- Solicitor & Standards Consultant

- Standards Officer

- Senior Committee Officer

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21/11 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 15 February 2011 were confirmed as a correct record and signed by the Chairman.

22/11 APOLOGIES (AGENDA ITEM 2)

Apologies had been received from Maxine O'Mahony, Monitoring Officer.

23/11 URGENT BUSINESS (AGENDA ITEM 3)

None.

24/11 DECLARATION OF INTEREST (AGENDA ITEM 4)

No declarations were made.

25/11 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 4)

None.

26/11 NORFOLK MONITORING OFFICERS MEETING (AGENDA ITEM 5)

The Solicitor & Standards Consultant had attended the meeting on behalf of the Monitoring Officer and he updated Members on the meeting which had been held at County Hall on 23 March 2011.

There had been general and wide ranging discussions about a variety of topics including the following:

Localism Bill

The Bill was expected to become law in December 2011 and the Standards Regime was due to end two months later, but would exist

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until any outstanding investigations had been completed. Any Standards for England investigations would revert back to the Local Authority. Suspension would no longer be available as a sanction.

There were no draft regulations yet and it was hoped that they would be available within the next few months. Information was needed on how the new criminal offence for failure to make declarations would work.

Countywide Voluntary Code for Norfolk

Officers had supported the possibility of introducing such a Code and also the possibility of a Joint Standards Committee for Norfolk which could save costs. It was possible to delegate powers to such a committee, but the Solicitor was not sure that the Council would choose to do so.

Independent Members

All Monitoring Officers thought that Independent Members were valuable and provided a different perspective and were good for public perception.

Complaints

There had been a big increase in the numbers of complaints. It was not known if the increase was because of the upcoming elections or because Standards had been in the news. Costs might increase due to the extra work.

Pre-Determination at Planning & Licensing

The wording in the Localism Bill might be difficult to work and might make virtually no difference to the law.

Parish Councils

If there was no voluntary code it was likely that the problems between Parish Councillors and Clerks would cause more difficulty in future.

A Member pointed out that Parish Clerks had their own association which could give them advice, guidance and support.

Officer/Member Protocols

It was likely that some codes would be amalgamated with other Councils in future. Norfolk County Council's Legal Department was going to provide a Standards Committee report template.

A Member said that there was some useful discussions at the meeting and he asked if there was a mechanism to pass that on to the Decision Makers as they ought to be aware of what was said by the Monitoring Officers.

The Solicitor agreed to pass a note to the Monitoring Officer for discussion with the Leader of the Council.

It was also suggested that the note should be discussed at the next Standards Committee meeting and that any recommendations from that meeting, with regard to the Voluntary Code, Independent Members, etc, could be passed on to the Leader to provide a steer as early as possible after the election.

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27/11 MEMBERSHIP OF STANDARDS COMMITTEE (AGENDA ITEM 6)

It was noted that Mrs Maggie Oechsle had resigned as a Parish Councillor and was therefore no longer eligible to sit on the Standards Committee.

At the Annual meeting of the Council on 12 May 2011 the membership of Committees would be agreed. With regard to the Standards Committee three District Councillors would be appointed.

Of the three Parish Councillors only one would remain due to the resignation of Mrs Oechsle, and Mr Whittleby not standing for re-election. Mr Rayner was standing and if successfully re-elected would remain on the Committee. Two new Parish Council Members would then need to be recruited.

Of the three Independent Members, the Chairman would be standing down and at a previous meeting of the Committee it had been agreed and ratified by Council, that her seat would be replaced. The two remaining Independent Members had terms of office extending to May 2012.

The Solicitor was concerned that there were already five sub-committee reviews requested and that there was a legally specified three month time limit in which to deal with such matters.

Membership of the review committees had to be different from that of the assessment sub-committees and so at least one Parish Council vacancy would need to be filled as early as possible. He asked Members for their suggestions on how to get people to apply.

After discussion it was agreed that the Standards Officer would send a letter to all Parish Clerks advising them of the vacancies. The letter would contain information about the Standards Committee and the Clerks would be asked to pass that information to any interested Parish Councillors. Any volunteers would be provided with application forms.

Susan Allen

Applications would then be put to the Standards Committee on 17 May and a Sub-Committee could be delegated at that meeting to make a recommendation to Council on 23 June.

It was therefore **RESOLVED** that:

- (1) a letter would be sent to all Parish Clerks, after the close of nominations on 4 April 2011, requesting applications to fill the Parish Council vacancies;
- (2) if sufficient applications were received one criterion for selection should be at least four year's experience as a Parish Councillor
- (3) a sub-Committee of three Members be appointed at the next meeting to make recommendation to Council on 23 June 2011.

Action By

28/11 ITEMS FOR FUTURE AGENDAS (STANDING ITEM)

The following items were suggested:

- To provide a steer for the Leader of the Council on the future of Standards
- Parish Councillor appointments

It was agreed to extend the current programme of proposed dates for sub-Committees (usually on the first Tuesday of each month).

29/11 FAREWELL

The Solicitor wanted to officially say goodbye to Mrs Maggie Oeschle and Mr Malcolm Whittle and to thank them for their time as Members of the Standards Committee.

Mr Whittle thanked the other Members and said that he was sorry to go. He thanked the Chairman for the way in which she had chaired the meetings and the Solicitor for his advice and guidance.

The Solicitor also wished to thank the Chairman, Mrs Joan Jenkins, for all her efforts over the last eight years. He said she had been a very good and supportive Chairman.

Mr Eveling agreed and said that he had learned a lot from the very quiet and measured way that the Chairman had conducted business and the depth of knowledge that she had.

Flowers were presented to Mrs Jenkins and a small gift was presented to Mr Whittle.

Mrs Jenkins hoped that no Members had been made to feel uncomfortable as there had been some difficult moments. She thanked John Chinnery as Solicitor, Sue Allen as Standards Officer and the present and past Committee Officers for their help and support.

30/11 NEXT MEETING

The arrangements for the next meeting on 17 May 2011 were noted.

The meeting closed at 2.50 pm

CHAIRMAN