

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 21 February 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
Mr M.D. Eveling JP
Mrs S.M. Matthews

Mr B.D Rayner
Mr G. Ridgway
Mr F.J. Sharpe

In Attendance

Susan Allen - Standards Officer
John Chinnery - Solicitor & Standards Consultant
Helen McAleer - Senior Committee Officer

Action By

9/12 MINUTES (AGENDA ITEM 1)

Mr Sommerville requested that the stand-alone sentence at paragraph 3 of page 4 be moved up to conclude the previous paragraph and amended to read "that *without briefings* a lot of Parish Councils would not understand what they were being asked".

Subject to the addition of those two words the Minutes of the previous meeting were confirmed as a correct record and signed by the Chairman.

10/12 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr D Williams.

The Solicitor passed on the apologies of the Monitoring Officer who was unable to attend current Standards Committee meetings as they coincided with those being held at South Holland District Council.

11/12 URGENT BUSINESS (AGENDA ITEM 3)

None.

12/12 DECLARATION OF INTEREST (AGENDA ITEM 4)

None.

13/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

None.

Action By

14/12 DISPENSATION REQUEST - WEASENHAM ALL SAINTS PARISH COUNCIL (AGENDA ITEM 6)

A letter had been received from Councillor McCarthy of Weasenham All Saints Parish Council requesting a dispensation for himself and other Councillors with regards to speaking and voting on matters concerning the Weasenham Green Trust and the Weasenham Fuel Allotment Charities.

The Solicitor advised Members that according to the Regulations individual Councillors were required to make application for dispensations. Therefore, if the Committee were minded they could grant the dispensation for Mr McCarthy and invite applications from the other Councillors involved. They could also delegate authority to the Officers to grant those further dispensations if applications were received.

A letter had been received from a resident of Weaseham All Saints giving reasons why it would not be appropriate to grant the dispensation. Much of its content referred to the administration of the charities and was therefore not within the remit of the Standards Committee.

A list of the prejudicial interests of the Weasenham All Saints Councillors was tabled for Members' information. It was noted that three Councillors were beneficiaries of the Weasenham Fuel Allotment charity and that dispensations would not normally be granted in such cases.

RESOLVED

- (1) to grant Councillor McCarthy a dispensation to speak and vote on matters concerning the Weasenham Green Trust and Fuel Allotments Charities;
- (2) to invite other Councillors to apply for a dispensation, except beneficiaries of the Fuel Allotments Charity; and
- (3) to delegate authority to the Monitoring Officer to grant further dispensations to Weasenham All Saints Councillors on the basis of the factual situation being the same.

15/12 DRAFT TIMETABLE (AGENDA ITEM 7)

The Solicitor explained the various headings in the timetable. He suggested that as there had been no formal response from the Leader of the Council to provide a political perspective on the new regime any proposals should be recommended through Cabinet to assess their views before making final recommendations to Council.

He then went through each item in detail.

- New Code The Draft Code of Conduct (to be discussed under Item 8 of the Agenda) would be presented to a future Cabinet meeting.
- Standards Committee The proposed composition of the new Standards Committee (to be discussed under Item 9 of the Agenda) would be recommended to Cabinet on 27 March 2012.

Action By

- Independent Person A draft advertisement had been prepared (to be discussed under Item 10 of the Agenda). It was suggested that a Sub-Committee be appointed to interview prospective Independent Person(s). Proposals to appoint two nominees would be recommended to Council on 15 May 2012.
- New Standing Order Draft Regulations were awaited and it was hoped they would be available for discussion at the April Standards Committee meeting.
- Procedures – Complaints including Dispensations An initial draft was being prepared by the Standards Officer and would be presented to the April meeting.
- Other Matters – Register The new Register would have to be approved by Council but the form could not be drafted until more details were available. More details were also needed before information could be passed on to the town and parish councils. It was suggested that a newsletter should be sent out explaining the current position and giving advance notice of the intention to hold 'The Future of Standards' information meetings towards the end of April.

Mr Ridgway agreed that sending the Newsletter made sense as it would give notice of the Committee's intention to share information with the Parish Councils.

16/12 NEW CODE (AGENDA ITEM 8)

A draft Code which made minimal changes to the existing Code had been attached to the Agenda. An early draft from the Association of Council Secretaries and Solicitors (ACSeS) had also been circulated. That draft took a different approach to the existing Code and there was concern that it would be more difficult to interpret and enforce.

The Solicitor suggested that the main discussion on the new Code should be held at the next meeting when it was hoped that the Norfolk-wide Code being prepared by nplaw would be available. A National version was also expected. If one form of the Code was acceptable to everyone it would be better for all. It was hoped that all the Breckland Town and Parish Councils would adopt the same Code as the District Council.

It was agreed that the Code would be debated at the next meeting whether the other drafts were available or not.

17/12 NEW STANDARDS COMMITTEE COMPOSITION/FUNCTION (AGENDA ITEM 9)

The Solicitor reiterated that under the new regime only Breckland Councillors would be voting members on any Standards Committee. Others could attend as advisors, but would not be able to vote. There did not have to be a separate Standards Committee, its responsibilities could be added to another Committee. If there was a separate Standards Committee it might not need to meet on a regular basis, but could convene as and when required.

Action By

He asked for suggestions from Members to put forward as recommendations to Cabinet.

At the previous meeting Members had agreed that they thought two Independent Persons would be best and that the Committee should continue in its current format until April/May 2013 when it could be reviewed and changed if necessary.

Members agreed that it was important that Independent Persons were included to provide transparency.

It was clarified that even if Parish Councillors were invited to attend they would not have voting rights unless a Joint Committee was appointed.

Any investigations into Town or Parish Councillors where a breach was found would have to be passed back to the Parish to deal with.

Mrs Smith noted that if Parish Council representatives did not have voting rights they would wonder why they were on the Committee.

RESOLVED to **RECOMMEND TO CABINET** that:

- (1) the current format of the Standards Committee should continue with both Town & Parish Council representatives and Independent Persons as advisors;
- (2) the Committee should be reviewed at the end of a year to see if changes were necessary;
- (3) the Committee should be called a Transitional Committee.

18/12 INDEPENDENT PERSON (AGENDA ITEM 10)

The Standards Officer had prepared a draft advertisement. This had been kept brief to reduce the costs of publishing it in the press. Further guidance notes would be sent out to those expressing an interest.

It was suggested that the advert should stress the need for applicants to have political neutrality. It was agreed that the advertisement should aim to attract a broad range of applicants, although a judicial style background and the ability to be analytical would help.

The question of remuneration and allowances was raised, but it was not clear what the Council intended and it was agreed that no mention should be made to those matters in the advertisement as it should not be a driving consideration for any applicants.

It was agreed that a Sub-Committee should be appointed to interview applicants and its composition was debated at length.

RESOLVED that:

- (1) a Sub-Committee consisting of Mrs Matthews (Chairman) and Mrs Smith be appointed to interview applicants;
- (2) an Independent Member and Mr Askew (Executive Member for Finance & Democratic Services) should sit on the Sub-Committee in an advisory capacity;

Action By

- (3) the Chairman of the Sub-Committee and the Monitoring Officer should shortlist applicants for interview; and
- (4) recommendations from the Sub-Committee should be referred to the Standards Committee before being presented to Council.

19/12 NEW REGISTER OF INTERESTS : FOR INFORMATION (AGENDA ITEM 11)

Members commented that clear guidance would be needed regarding pecuniary interests and the Solicitor agreed.

The item was noted.

20/12 NEXT MEETING

In order to allow time for more details of the new Standards regime to be available, it was proposed to move the next meeting back two weeks.

RESOLVED to change the date of the next meeting from 3 April 2012 to 17 April 2012.

The meeting closed at 3.20 pm

CHAIRMAN