

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 24 April 2012 at 2.15 pm in
Norfolk Room, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr M.D. Eveling JP (Chairman)
Mrs S.M. Matthews
Mr B.D Rayner
Mr G. Ridgway

Mr F.J. Sharpe
Mrs J R Smith JP
Mr A D Sommerville CPM

Also Present

Mrs L.S. Turner

Mr M. A. Wassell

In Attendance

Susan Allen	- Standards Officer
Dominic Chessum	- Joint Marketing & Communications Team Leader
John Chinnery	- Solicitor & Standards Consultant
Helen McAleer	- Senior Committee Officer
Vicky Thomson	- Assistant Director - Democratic Services / Monitoring Officer

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21/12 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 21 February 2012 were confirmed as a correct record and signed by the Chairman.

22/12 APOLOGIES (AGENDA ITEM 2)

None.

23/12 URGENT BUSINESS (AGENDA ITEM 3)

None.

24/12 DECLARATION OF INTEREST (AGENDA ITEM 4)

None.

**25/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING
(AGENDA ITEM 5)**

Mrs L Turner and Mr M Wassell were in attendance.

Introductions were made round the table.

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26/12 RESPONSE FROM CABINET (AGENDA ITEM 6)

The Chairman set the scene particularly for the benefit of non-Members so that they could see how the current position had been reached.

Under the old regime there had been a Code of Conduct set by the Government for all County, District and Town & Parish Councillors. It had been a good Code which had encouraged high standards but the old framework had been cumbersome and bureaucratic leading to frustration.

The Government had abolished Standards for England and the old regime, but during the passage of the Localism Bill it had become clear that a new Code would be required to ensure high standards of behaviour by Councillors.

The Committee had been trying to get a political steer since May 2011 to help prepare for the future. In July 2011 a letter had been written to the Leader of the Council asking for his views. An acknowledgement had been received in November but no actual response had ever been received.

On 15 November 2011 the Localism Bill had become law. Again the Committee had asked for guidance and had invited the Executive Member to attend a meeting.

At the meeting of the Standards Committee on 3 January 2012, with the Executive Member present, it had been agreed that unless the Committee acted as trail blazers there would be no progress. They had again requested a political steer from the Executive Member.

At that meeting the Committee had agreed to advertise for two new Independent Persons as time was running out to have a replacement system in place for July when the current system ceased. The two current Independent Members would retire in July. The Committee had also recommended that the Standards Committee should continue with the involvement of District and Parish Councillors (and the two new Independent Persons) for the remainder of the year whilst the new system bedded in.

It had also been decided at that meeting that a Sub-Committee led by Councillor Matthews and Parish Councillor Smith would conduct the interviews for the new Independent Persons and that the existing Independent Members would not be involved in that process to ensure transparency.

On 31 March the Chairman had e-mailed Officers for a progress report and been told that Cabinet had instructed that the advertisement should be withdrawn and that they would deal with the recruitment.

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The Chairman had been astonished that that had been done without consultation with himself or the Committee. He considered that the Committee had been ignored and treated with contempt. It was poor governance and extremely bad manners.

He thought that Cabinet's proposed way forward was not in the spirit of the Code laid down by Parliament and would certainly not inspire public confidence.

He appealed to all Councillors to take the matter very seriously to ensure that public confidence was maintained, and that high standards of behaviour by Councillors were encouraged and monitored. He then asked other Members of the Committee for their views.

Mrs Smith had been flabbergasted by the newspaper reports of the Cabinet meeting which had inferred that the Council were not concerned about Parishes.

Mr Sommerville reiterated the concerns. There had been no engagement at Town and Parish level and the proposals were being steamrollered through without thought to reaction. The Cabinet should think very hard before going down the chosen road without the experience of the Committee. He hoped that District Councillors would reconsider their current stance.

Mr Ridgway agreed that bureaucracy had blotted a lot of the effectiveness of the Code which had been clouded by vexatious complaints. The Committee had made an investment to give confidence to the public and it would be difficult to step back from that transparency and openness. There had to be a system for dealing with complaints and he did not want a limbo which would cause a loss of impetus and public perception and might lead to Councillors thinking that they could act as they liked.

Mr Sharpe said that the Standards Committee had been ideal for dealing with complaints and would continue to do so until July. However, the changes then would mean that the Committee would become toothless as it would have no power of sanction over Town & Parish Councils and would have to refer any judgements back to them. Complaints would be filtered. There was no question of complaints being dealt with 'in-camera'. They would be assigned to an existing public Committee.

The Chairman noted that there would not be Independent or Town & Parish Councillor representation on any new Breckland Committee and the Solicitor confirmed that there was no set-up for Town & Parish Councillors to have a vote.

Mr Sharpe asked if it would be necessary for the Independent

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Person to be present at meetings and was advised that the only requirement was for the Independent Person to be consulted.

The Monitoring Officer pointed out that there was a difference between the role of the existing Independent Members and that of Independent Persons.

Mrs Matthews said she had been dismayed at the lack of communication, but there was nothing clearly decided yet as the Monitoring Officer had been requested to produce a report for Cabinet providing alternative options. She asked if it was part of the Localism Act that Town & Parish Councillors could not be voting members of the Committee.

The Solicitor explained that there were various options under the new process. The Council could have a Committee with only District Councillors, or a Joint Committee with Town & Parish Councillors having voting rights or there could be a Standards Committee for the whole of Norfolk.

Mr Rayner was disappointed as the Committee had tried to make everything open and that looked likely to change. He thought the cost of the Committee was a small price to pay for that transparency. He also mentioned that he would not want to be on a Committee without voting rights.

Mr Sommerville raised the point of the Council's lack of jurisdiction over Town & Parish Councils. The District Council would still have to investigate complaints but could not impose sanctions. However, if the Parishes were engaged they might choose to delegate their authority up to the District Council. He noted that each Parish could have its own Code and that his own Chairman (of Swanton Morley Parish Council) was considering adopting a separate Code.

The Solicitor confirmed that it was possible for Parishes to delegate power to the District Council.

Mr Wassell, the new Deputy Leader of the Council and Executive Member for Finance and Democratic Services had been interested to hear the opinions expressed. He agreed that the current system was cumbersome and was sorry that the Committee had not received a political steer before. He did not agree that the Council did not care about the parishes and confirmed that the new system would involve a public Committee. There had been a lengthy debate at Cabinet which had covered all the issues. The Council was aiming to achieve a County Standard and hoped that the same standard would extend to the Parishes as well.

Mrs Turner, Executive Member for Localism, Community &

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Environmental Services echoed those sentiments. She had taken notes of the comments made which she would feed back to Cabinet.

Mr Sommerville reiterated that the Council's concern for the Parishes was not apparent as there had been no engagement and no passing of information.

Mr Wassell explained that more details were needed about the legislation before they could disseminate information and the Monitoring Officer supported him, saying that she had been working 'in the dark'. She was preparing her report for Cabinet without having all the legislative details. Her recommendations would be based on the information received to date and might need to be amended later.

Members discussed the possibility of commenting on that report and agreed that they would like the opportunity to use their expertise to provide input, if their comments would be considered.

Mr Ridgway said that something had to be in place to carry the Council through the transitional period and Mr Rayner asked how South Holland was dealing with the change.

The Monitoring Officer advised that they were at a similar stage, as were many other Local Authorities. They were working hard to get reports through the Committee system to receive approval in time for the new regime.

The Chairman concluded the discussions by saying that he was very unhappy about the way the Committee had been treated. He was concerned that if Cabinet recruited the new Independent Person it would be bad for public perception. He appealed to them to consult and use the Standards Committee. The two Independent Members would be retiring in July anyway – they had no axe to grind. Time was running out and public confidence was being lost.

He thanked the Executive Members and Monitoring Officer for attending.

27/12 DRAFT CODE OF CONDUCT (AGENDA ITEM 7)

Two suggested National Codes of Conduct had been circulated to Members. The Solicitor asked if they had any recommendations to make to Cabinet on 8 May 2012. The Codes were both very different from the existing Code and were more general. They lacked reference to such things as confidentiality, respect and bullying. The Solicitor was not sure if their vagueness would lead to an increase or a decrease in complaints.

Mr Ridgway had experience of preparing Codes and he was

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pleased with the style which was generally saying 'behave yourselves' without giving specifics. If sensibly applied the Codes would give guidance, but deciding complaints would require careful judgement.

Mr Wassell pointed out that Members were ruled by other issues apart from the Code of Conduct, such as Member/Officer protocols and Data Protection.

Generally speaking Members were pleased with the drafts which were considered to be user friendly and clearly explained.

The Monitoring Officer noted that the Code was likely to get longer once a definition of pecuniary interests was available. She also noted that the Independent Person would be crucial in providing advice and judgement.

28/12 RECRUITMENT OF INDEPENDENT PERSON (AGENDA ITEM 8)

The Monitoring Officer informed Members that she had been instructed by Cabinet to draft an advertisement and accompanying papers which she had based on that of another Council. The closing date for applications was 3 May 2012. At the interview stage they would be looking for good judgement and the ability to filter complaints.

From her research she was able to advise that not many other Local Authorities were at the same stage as Breckland.

The advertisement had been placed on the Council's website and sent to other Monitoring Officers throughout the County. It had also been circulated to all Parish Clerks. It would appear in the local paper on Wednesday 25 April 2012.

29/12 ITEMS FOR FUTURE AGENDAS (STANDING ITEM)(AGENDA ITEM 9)

None.

30/12 NEXT MEETING (AGENDA ITEM 10)

The arrangements for the next meeting were noted. The Chairman gave his apologies as he would be unable to attend.

He thanked everyone for attending.

The meeting closed at 3.08 pm

CHAIRMAN