

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Thursday, 12 July 2007 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr D.R. Williams J.P. (Chairman)
Mr R.P. Childerhouse

Mrs J. Jenkins
Mrs M. Oechsle

Also Present

Mr M.D. Eveling JP
Mr B.D Rayner

Mr M. Whittley
Mrs D.K.R. Irving

In Attendance

Susan Allen
John Chinnery
Elaine Wilkes

- Standards Officer
- Solicitor & Monitoring Officer
- Senior Committee Officer

19/07 INTRODUCTION

The Chairman welcomed the new Members to the Committee and introductions were given.

20/07 MINUTES

The Chairman reported that he had been unable to attend the Standards Board for England Roadshow in June and that his place had been filled by another member (Minute 16/07 refers).

The minutes of the meeting held on 31 May 2007 were confirmed as a correct record and signed by the Chairman.

21/07 URGENT BUSINESS

With the agreement of the Chairman, it was agreed to consider requests from Members regarding procedures for raising items for future agenda under Agenda Item 13.

22/07 DECLARATION OF INTEREST

The following declarations were made:

Mr D. Williams – Personal interest in regard to agenda item 10 by virtue of a family member's residence in Yaxham Parish.

Mrs M. Oechsle – Personal interest in regard to agenda item 10 as a member of Yaxham Parish Council.

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23/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The following Members were in attendance:

- Mr M. Eveling
- Mr B. Rayner
- Mr M. Whittle
- Mrs D. Irving

24/07 APPLICATIONS FOR DISPENSATION

For the benefit of new Members, the Monitoring Officer explained the Regulations governing the granting of dispensations and the Committee's powers under the Regulations.

At the present time, there were very limited circumstances in which a dispensation could be granted, although it was likely there might be some amendment to this in the future.

25/07 APPLICATION FOR DISPENSATION - SCARNING PARISH COUNCIL (AGENDA ITEM 7)

The Monitoring Officer presented the report. The application concerned all nine members of the Parish Council who were also trustees of the two organisations for which the dispensations were sought, which would allow the members to speak and vote at parish meetings on matters of business concerning those two bodies.

The question of the need for a dispensation for persons or bodies acting as Sole Trustee was raised. In discussion of this point, a member felt that the roles of a parish council whose members were also sole trustees of an organisation were often misunderstood. It was important that the business of the Parish Council and that of the business of the trustee body should be kept separate and that a parish meeting should be formally closed and then re-opened in the name of the trustee body when the business of both bodies was being considered at the same meeting.

The Monitoring Officer explained that a dispensation would still be required by parish council members who were also trustees when they were being asked to consider a matter from the trustee body which had been referred to the parish council for decision.

Arising from this discussion, it was felt it would be useful to clarify the matter as a general matter of information to parish councils and it was suggested that a newsletter be produced for this purpose and as a regular method for circulating items of information or interest on standards issues in future. It was noted that the Committee had, in fact, previously agreed the idea of some form of newsletter and it was suggested that this should now be produced on a quarterly basis.

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S Allen
J Chinnery

RESOLVED that

- (1) a dispensation be granted until the end of May 2011 to the named parish councillors of Scarning Parish Council to allow them to speak and vote on any matters relating to the Former Highway Surveyors Land and the Scarning Fuel Allotment Charity;
- (2) a quarterly standards newsletter be produced for the circulation to parish councils of items of information or interest on standards issues;
- (3) the first standards newsletter be used to offer guidance on best practice on the conduct of business between parish councils and their members acting as Sole Trustees of a body.

26/07 APPLICATION FOR DISPENSATION - CROXTON PARISH COUNCIL (AGENDA ITEM 8)

This application concerned a similar request for all five members of the Parish Council who were also trustees of the organisation for which the dispensations were sought, which would allow the members to speak and vote at parish meetings on matters of business concerning that body.

RESOLVED that a dispensation be granted until the end of May 2011 to the five named parish councillors of Croxton Parish Council to allow them to speak and vote on any matters relating to the Village Hall Management Committee.

27/07 APPLICATION FOR DISPENSATION - SAHAM TONEY PARISH COUNCIL (AGENDA ITEM 9)

This item was withdrawn as further information was still awaited.

28/07 APPLICATION FOR DISPENSATION - YAXHAM PARISH COUNCIL (AGENDA ITEM 10)

This application concerned a similar request for the seven members of the Parish Council who were also trustees of the organisation for which the dispensations were sought, which would allow the members to speak and vote at parish meetings on matters of business concerning that body.

RESOLVED that a dispensation be granted until the end of May 2011 to the seven named parish councillors of Yaxham Parish Council to allow them to speak and vote on any matters relating to the Yaxham Parish Charity.

29/07 LOCAL GOVERNMENT OMBUDSMAN – ANNUAL LETTER (AGENDA ITEM 11)

The Standards Officer presented the report which informed Members of the contents of the annual letter for the year ended 31 March 2007 from the Local Government Ombudsman. The letter

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set out the Ombudsman's general views on the way in which the Council treated complaints and made specific points on the way in which certain cases or categories of complaints were dealt with.

The Ombudsman had received 26 complaints from the district's residents during the year, up by two on the previous year. 18 complaints about planning matters were received. The remaining complaints were spread across most subject areas.

The Ombudsman made decisions on 29 complaints concerning the Council last year. There was one finding of maladministration causing loss of amenity. One was outside the Ombudsman's jurisdiction, seven were premature, one was settled locally and 19 were not pursued either because there was no evidence of maladministration or because it was decided for other reasons not to pursue them.

The Council's response times were a creditable 20.4 days, well within the Ombudsman's time target of 28 days and the Council was in the top 48% of authorities in terms of response times.

The Committee was pleased to note the favourable comments of the Ombudsman on the Council's handling of complaints and that he had recognised that the Council's complaints process was good.

RESOLVED that the report be noted and no matters be raised for further consideration.

30/07 STANDARDS COMMITTEE HEARINGS - PROCEDURES
(AGENDA ITEM 12)

The Monitoring Officer presented a guidance note to Members of the Committee on the procedures for Standards Committee Hearings and explained the process used in the conduct of hearings.

Members were also informed that the hearings system was due to change when the new Act came into force later this year, which would mean that all complaints would be referred to Standards Committees in the first instance. The Committee would then need to consider whether or not there was a case for investigation by the Investigating Officer or, in exceptional cases, whether it should be referred to the Standards Board for England for investigation by the Ethical Standards Officer.

The members of an initial Panel would not be able to sit on a hearing Panel and there would therefore need to be a two-stage committee process.

However, the Council would need to await the detailed Regulations before deciding on any changes that might or might not be necessary to the constitution of the Committee.

It was noted that the number of complaints which could be received by the Council under the new regulations could

potentially be quite high given the number of parishes contained within the Breckland District.

The position was noted.

31/07 NEXT MEETING (AGENDA ITEM 13)

(a) Items for Future Agenda

The rules for the submission of items for inclusion on an agenda by Members of the Committee were explained and noted. An item could be included upon the request of a member at any time before an agenda was published. Urgent items could be accepted only in specific circumstances and with good reason at the discretion of the Chairman.

The following items were raised and agreed for inclusion on the next agenda:

- To clarify the content of the description of the Standards Committee on the Council's website, particularly with reference to the wording in relation to "whistle-blowing".
- To clarify the position on policy for members of the Council to undertake training and monitoring of members' training.

A further matter raised by a member related to the inclusion of JP after Members' names and whether there was any policy on the matter. It was explained that there was no specific protocol in this regard. After a brief discussion, the Committee agreed to the principle that JP be indicated where appropriate against the names of Standards Committee Members.

It was also agreed that there should be a standing item in future to consider whether there are any items which Members of the Committee or officers wish to bring forward to be placed on the next or a subsequent agenda of the Committee for proper consideration.

(b) Date of Next Meeting

The arrangements for the next meeting on 11 September 2007 were noted and confirmed.

Action By

E Wilkes

The meeting closed at 3.45 pm

CHAIRMAN