

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 11 December 2007 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr D.R. Williams JP (Chairman) Mrs J. Jenkins
Mr R.P. Childerhouse JP Mrs M. Oechsle JP

Also Present

Mr M.D. Eveling JP Mr B.D Rayner
Mrs D.K.R. Irving Mr M. Whittley
Mr J.P. Labouchere

In Attendance

Susan Allen - Standards Officer
John Chinnery - Solicitor & Standards Consultant
Elaine Wilkes - Senior Committee Officer

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53/07 MINUTES

The minutes of the meetings held on 30 October and 14 November 2007 were confirmed as correct records and signed by the Chairman.

54/07 URGENT BUSINESS

Copies of the latest Bulletin issued by the Standards Board for England and received that morning were circulated for members' information. The Chairman explained that an item in the Bulletin was relevant to agenda item 7 and would be considered at that point.

55/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING

The following substitute members of the Committee were in attendance:

- Mr J.P. Labouchere
- Mr. M. Eveling
- Mr. B. Rayner
- Mr. M. Whittley

Mrs. D. Irving was also present as an observer.

56/07 APPLICATION FOR DISPENSATION - SCOULTON PARISH COUNCIL (AGENDA ITEM 6)

The Committee was asked to consider an application for a dispensation for the six councillors of Scoulton Parish Council in respect of matters dealing with the former Highways Surveyors Land, of which the members concerned were all Trustees and as

such would have to declare an interest.

The report recommended that the dispensation be granted to the members concerned in order to ensure the smooth running of Scoulton Parish Council in connection with the former Highway Surveyors Land.

The Committee concurred with the recommendation for the reasons given and accordingly

RESOLVED that a dispensation be granted until the end of May 2011 to the under-mentioned parish councillors of Scoulton Parish Council to allow them to speak and vote on any matters relating to the former Highway Surveyors Land:

Ruaridh Beath
Roy Potton
Colin Spinks

Mark Brown
Zena Rowland
Nigel Webster

57/07 STANDARDS COMMITTEE: COMPOSITION TO CARRY OUT NEW FUNCTIONS (AGENDA ITEM 7)

The Chairman recorded his thanks to the Standards Consultant for the report.

The Standards Consultant presented the report and explained that the new Regulations and further guidance on the new framework for Standards Committees under the Local Government and Public Involvement in Health Act 2007 was still awaited. Additionally, the consultation paper due this month was still awaited and this would give an indication of what would be in the Regulations. The new framework was still expected to commence on 1st April 2008.

The key changes to the framework were:

- Standards Committees will be responsible for receiving allegations and deciding whether any action needs to be taken (“local assessment”).
- Standards Committees must be chaired by an independent member.
- Standards Committees will report periodically to the Standards Board for England.
- Standards Committees will be allowed to enter into joint working arrangements with other Standards Committees.

So far as local assessment was concerned, Standards Committees would have three separate but distinct roles in relation to complaints about member conduct. These were:

- Receiving and assessing complaints
- Reviewing local assessment decisions
- Conducting hearings following investigation

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To avoid perceptions of bias or predetermination, members who carry out a local assessment decision should not be involved in a review of the same decision, should one be requested.

In readiness for the Council to operate the new arrangements, the Council needed to consider what changes, if any, should be made to the structure and composition of the Standards Committee.

In considering the matter, the Committee had regard to the Standards Board's Bulletin, which provided a checklist of things for local authorities to consider in the run up to the implementation of the new framework in April 2008.

The Standards Board was recommending as an effective practice:

- A structure of sub-committees or the Standards Committee acting as a pool of members to deal with the different roles.
- As a minimum, two separate sub-committees, one for taking initial assessment decisions and one for taking decisions on reviews.
- Subject to regulations, any sub-committee should also have an independent chairman.
- A member who was involved in an initial assessment decision, or following referral of a complaint back to the Standards Committee from the Monitoring Officer or Standards Board for another assessment decision, can be a member of the Committee that hears and determines the complaint. This is because an assessment decision only relates to whether a complaint discloses something that needs to be investigated. It does not require deliberation of whether the conduct did or did not take place and so no conflict of interest will arise in hearing and determining the complaint.

Currently, Standards Committees were required to comprise a minimum of:

- Three members (two elected members and one independent member)
- 25% as independent lay members if the committee was more than three people
- An independent chair (from April 2008)
- One parish or town council member if the authority had responsibilities for those councils

For the purposes of the new framework, the Standards Board was recommending as an effective practice that Standards Committees comprise:

- At least six people as a minimum (three elected members and three independent members)
- Two, or possibly three, parish or town council members if the authority had responsibilities for those councils
- Consideration of whether more members were required to ensure cover in the event of conflicts of interest, holidays or sickness

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The present membership of the Breckland Standards Committee was four members (two Breckland Councillors, one Parish Councillor and one independent lay member (i.e. a non-councillor), plus two substitute Breckland Councillors, two substitute Parish Councillors and one substitute independent lay member.

The options considered by the Committee were:

1. Do nothing until the new Regulations and Guidance was available. This had the disadvantage that without special procedures, the changes to the Constitution might not be in place by 1 April 2008. This option was therefore not recommended.
2. Recommend to Council that this Committee was increased in size to 6, 8 or 9 members (or more) with a suggested operative date in the future. This could include the change in Chairmanship and the appointment of the substitute independent member and a substitute parish member as full members of the Committee.
3. As 2 above but with effect as soon as possible – in practice, this would be 21 February 2008.

The Committee concluded that the most effective and practical solution would be to have a Committee of nine members which could operate as a pool of members to deal with the different roles (i.e. three members to assess complaints, three members to review local assessment decisions and three members to conduct hearings, if necessary, following investigation).

For that purpose, the Committee considered that the existing two substitute Parish Councillors and substitute independent lay member, plus one of the existing Breckland Councillors should be promoted to full membership of the Committee and that one additional independent lay member should be appointed.

If the Council accepted the recommendation, it was suggested that the selection of an extra independent lay member could be considered from those remaining candidates who had applied for the appointment of the existing positions of independent and substitute independent member last year.

RECOMMEND TO COUNCIL that to ensure the Committee is ready to operate the new arrangements,

- (1) the size of the Standards Committee be increased to nine members, effective from 21st February 2008;
- (2) the existing two substitute Parish Councillors and one substitute independent member and one substitute Breckland Councillor be promoted to full membership of the Committee; and

- (3) an additional independent lay member be appointed, and a suitable candidate should be nominated by the Standards Committee to Council.

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58/07 NEXT MEETING

The arrangements for the next meeting on 22 January 2008 were noted.

The meeting closed at 3.25 pm

CHAIRMAN