

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 15 February 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

Mrs M. Oechsle JP

Mr B.D Rayner

Mr G. Ridgway

Mr F.J. Sharpe

Mr M. Whittley

In Attendance

Susan Allen

John Chinnery

Helen McAleer

- Standards Officer

- Solicitor & Standards Consultant

- Senior Committee Officer

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10/11 MINUTES

The Chairman suggested that for accuracy, the wording on page 2, paragraph 3 should be amended to read "Local Authorities *including* Parish Councils".

She also requested that in the ninth paragraph on that page the words "*for the time being*" should be added to the final sentence.

Subject to those amendments, the Minutes of the meeting held on 4 January 2011 were confirmed as a correct record and signed by the Chairman.

11/11 APOLOGIES

No apologies had been received.

12/11 URGENT BUSINESS

None.

13/11 DECLARATION OF INTEREST

Mr Ridgway declared a personal interest in Item 6 as he had been an officer of the Board that had drafted the Guidance for Whistleblowers.

14/11 NON-MEMBERS WISHING TO ADDRESS THE MEETING

None.

15/11 WHISTLEBLOWING POLICY

The Head of Finance presented the report on behalf of the Head of Internal Audit.

The latest guidance was reflected in the amended Policy, which had last been updated in 2008. Due to the Senior Management changes

currently taking place, some post names were incorrect and contact details had been left blank. These would be updated before the policy was formally adopted by the Council.

Any feedback received from the Standards Committee, on areas relating to Members in the Policy, would be passed on to the Audit Committee. Those areas concerning Officers would be looked at by the General Purposes Committee.

It was pointed out that there were various places in the Policy where no mention was made of Members (such as in question 5 on page 11). The Head of Finance confirmed that Members should be included and that the wording would be amended. He explained that the Guidance had been aimed at businesses, but applied equally to Council Officers and Members.

Members were concerned that the Policy referred to disciplinary action. They asked how such action would be taken against Members if the Standards Committee no longer existed.

The Standards Consultant advised that there was very little that the Council would be able to do in that case. The offending Member could be removed from all Committees and could be banned from contact with Officers, but they could not be stopped from attending meetings of the full Council. The only way a Member could appeal against such a ruling would be through the Judicial Review process.

He also pointed out that there was a potential gap in safeguarding members of the public, staff and Members, as the Policy did not cover harassment and bullying. Neither he nor the Head of Finance were aware if the Council had a Harassment and Bullying Prevention Policy and agreed to check if this was already in place.

A Member asked if a Whistleblower's identity would be protected if their allegation turned out to be wilful or malicious. The Head of Finance advised that the intention was to protect those making genuine allegations, even if they turned out to be incorrect.

A Member asked if the Policy had ever been used before and if the police had been involved in cases of criminal offences. The Head of Finance confirmed that he was aware of previous criminal proceedings.

It was pointed out that the list of external bodies that could be contacted, to raise concern to, would need careful monitoring to ensure it stayed up-to-date.

The Standards Officer noted that the numbering of the Appendices was incorrect.

The Committee wished it to be made clear that their comments were made on the presumption that there would be a Standards Committee in place in the future.

The Head of Finance said that the Guidance for Employees would be communicated to all staff and would be included in future staff and Member Induction Packs. He thanked the Committee for their input and

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Mark Finch

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Mark Finch

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said that their queries and comments would be brought to the attention of the Audit Committee.

The Chairman thanked the Head of Finance for presenting the report to the Committee.

16/11 DISPENSATIONS GRANTED TO SCARNING PARISH COUNCIL (FOR INFORMATION)

This item was noted.

17/11 COUNCIL RESOLUTION - FOR INFORMATION

It was noted that the Resolution had been adopted by Council on 27 January 2011.

18/11 LOCALISM BILL

The Standards Consultant updated Members on the latest information available from the Standards for England Board paper issued in mid-January. Royal Assent for the Localism Bill was expected in the Autumn of 2011 and therefore Standards for England was unlikely to close before December 2011 at the earliest.

Another paper, issued by Communities and Local Government on 31 January 2011 mentioned that total savings from the abolition of the Code and Standards for England Board could amount to £105million – if nothing was put in its place.

Other comments from the Evidence Base included:

- an explanation of the reasons for abolishing the system
- an expectation that authorities would retain some aspects of the local Standards framework
- a note that the authorities that did not adopt a local Code would make the greatest savings.

However, there were risks that:

- Standards would worsen even if a local Code was adopted, as sanctions would be less severe
- there would be no protection from bullying

Members asked if there had been any indication from the Executive about their intentions for the future. The Chairman had spoken to the Leader of the Council and he had advised her that the issue would not be considered until after the elections.

Although Members could understand the rationale behind his decision they felt that the Committee should make their suggestions known so that they could be considered when the decision was made. These included pointing out:

- the value of Independent Members on Standards – their removal would be viewed badly by the public
- that without a Code there would be no jurisdiction over

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- Members, which would be a backwards step as the Code had been invented due to malpractice
- Councillors were more likely to behave as they should if they knew there was a Standards Committee watching

A Member asked if there had been any consideration of having a shared Standards Committee with other District Councils. The Standards Consultant said that there was to be a meeting on 17 March 2011, of the Monitoring Officers Group of Norfolk Councils. They would be looking at the Localism Bill and shared Standards Committees would also be discussed. He would provide feedback to the next meeting.

He mentioned that there were ten complaints on the next Standards Assessment Sub-Committee agenda

19/11 ITEMS FOR FUTURE AGENDAS (STANDING ITEM)

- The Standards Consultant would provide feedback from the Monitoring Officer's meeting
- Update on the future of the Standards Committee

The Standards Consultant updated Members on his actions from the previous Minutes.

Minute No 6/11 - He had written a short overview of the Code of Conduct and the Register of Interests for inclusion in the Prospective Councillor packs.

Minute No 7/11 – When the Citizen's Panel report was presented to Cabinet (which would be after the election) he would ensure that the Committee's comments were included.

Minute No 8/11 – He had been advised that the disclaimer re pre-determination was now on the public website.

The Standards Officer informed Members that a Prospective Councillor open evening would be held on 2 March 2011. The event was being advertised on the Breckland website and posters had been sent to all Town & Parish Council Clerks. The Communications Team would be asked to release a press release to further publicise the event. She would also be including information about the event in the next Newsletter that she would be sending out shortly.

Finally she noted that the next Town & Parish Council Forum would be held in the Anglia Room, Conference Suite, Dereham on Monday 14 March 2011 at 5.30pm.

20/11 NEXT MEETING

It was noted that the next meeting would be held on Tuesday 29 March 2011 at 2.15pm and that an Assessment Sub-Committee meeting would take place immediately afterwards.

The meeting closed at 3.15 pm

CHAIRMAN