

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 11 October 2011 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

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

Mr F.J. Sharpe
Mrs J R Smith JP

In Attendance

Susan Allen
John Chinnery
Helen McAleer

- Standards Officer
- Solicitor & Standards Consultant
- Senior Committee Officer

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57/11 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 5 July 2011 were confirmed as a correct record and signed by the Chairman.

58/11 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mrs Matthews, Mr Sommerville and Mr Williams.

59/11 URGENT BUSINESS (AGENDA ITEM 3)

The Consultant Solicitor noted that at the previous meeting it had been agreed that training would be on the next agenda. As no specific item had been included on the agenda, it was agreed that it would be discussed under Item 9.

60/11 DECLARATION OF INTEREST (AGENDA ITEM 4)

No declarations were made.

61/11 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

None.

62/11 LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW OF BRECKLAND COUNCIL 2010/11 (FOR INFORMATION)(AGENDA ITEM 6)

The Standards Officer explained the results of the review. She noted that although response times were down the Council was still in the top 65% of authorities.

Mr Rayner asked what had changed about the way in which the Sub-Committee decisions were communicated and was advised that

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previously the findings had all been contained in a letter, but now there was a covering letter and a decision notice.

The Standards Consultant pointed out that on page 8 of the Agenda there were no findings of maladministration or injustice against the Council.

The report was noted.

63/11 DISPENSATIONS GRANTED TO WEASENHAM ST. PETER PARISH COUNCIL (FOR INFORMATION) (AGENDA ITEM 7)

In line with an earlier decision of the Committee, the Monitoring Officer had granted a dispensation to two newly elected members of Weasenham St Peter Parish Council with regard to the Former Highway Surveyors Land Charity.

The report was noted.

64/11 UPDATE ON PROPOSED CHANGES (AGENDA ITEM 8)

The Chairman asked if there had been any response from the Leader of the Council to the letter sent on behalf of the Committee, asking for his views on the way forward in view of the abolition of Standards for England and the Code of Conduct.

The Standards Consultant advised that the letter had been sent on 18 July 2011, but to date, no response had been received.

He then went on to advise the Committee of some interesting comments in Hansard regarding the Localism Bill and proposed amendments suggested by the House of Lords.

- although the Lords agreed with the abolition of Standards for England, they sought to reinstate the need to have a mandatory Code of Conduct although it was not clear what form it would take or who would draft it.
- They sought to reinstate local Standards Committees, as their removal would feed public scepticism.
- With regard to the new criminal offence concerning failure to declare a pecuniary interest, concerns were raised that it was only proposed to cover 'Elected members and spousal partners' and that if the interest was not pecuniary, there would be no offence.
- It was proposed that any system should apply to Parishes as well as District or Unitary authorities, as it was recognised that not all Parishes had the expertise or authority to deal with Standards.
- A process was needed to enforce minimum standards of behaviour.
- Questions were raised about the need for criminal sanctions.

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The Chairman noted that many of the comments reflected the Committee's own remarks and was concerned that there was no assurance that they would be acted on by the Government.

With regard to criminal sanctions, the Standards Solicitor advised that the legislators had come to the conclusion that they would be very difficult to draft as proceedings on interests could be very nebulous and unclear.

The Chairman was pleased to note that the gap in Parish Council abilities had been acknowledged. He asked if there had been any feedback at all from the Leader and the Standards Consultant explained that there had been no feedback, but some rumour. He thought it likely that the Leader was waiting to see the legislation before making his response. However, at the NALC AGM the previous week there had been a rumour that Breckland Council would not be having a Code of Conduct.

The Chairman was surprised as he had gained the impression at a meeting of the full Council that there had been an interest in a Code, with Members wanting to be involved in the Leader's decision.

Mr Rayner advised that his Council's representative at the conference had reported that the Association were supporting the retention of Standards.

Mr Sharpe had the impression that a County-wide Code would be welcomed.

The Standards Consultant raised the point that if the Localism Bill was changed to make a Code mandatory the provisions of the new Code would need to be considered. A national model Code may be produced, but there was some opposition to including the paragraphs about disclosure of confidential information. There would be a two month grace period between the passing of the Localism Bill and the old Code being abolished.

The Chairman felt that there was no choice but to wait.

65/11 ITEMS FOR FUTURE AGENDAS (STANDING ITEM)(AGENDA ITEM 9)

The Standards Consultant advised Members that two training sessions had been held to which District and Town & Parish Councillors had been invited. The sessions had been reasonably well attended with 25 at each.

The Chairman noted that there had been a big turnover at the last election and the Standards Consultant agreed that there were a lot of people new to the Code.

The Standards Officer felt it had been a good response as previous sessions had been cancelled due to lack of interest. The DVD had been shown and she thought that the sessions had gone well.

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No further sessions were proposed pending the Localism Bill. However, if there was a need, another session could be arranged, and one-to-one training could also be offered.

It was agreed that a letter should be sent advertising that fact to assess demand.

Mrs Allen

The Chairman asked that if any new information became available it should be e-mailed to the Committee rather than waiting for the next meeting.

66/11 NEXT MEETING (AGENDA ITEM 10)

The arrangements for the next meeting on 22 November 2011 were noted.

The meeting closed at 2.45 pm

CHAIRMAN