

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 3 January 2012 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr A D Sommerville CPM
Mrs J R Smith JP
Mr M.D. Eveling JP
Mrs S.M. Matthews

Mr B.D Rayner
Mr G. Ridgway
Mr F.J. Sharpe
Mr D.R. Williams JP

Also Present

Mr S. Askew

In Attendance

Susan Allen - Standards Officer
John Chinnery - Solicitor & Standards Consultant
Helen McAleer - Senior Committee Officer

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1/12 MINUTES (AGENDA ITEM 1)

It was noted that the paragraph on page three commencing 'A Member suggested...', should read "... in view of the existing partnership...".

Subject to that amendment, the Minutes of the meeting held on 22 November 2011 were confirmed as a correct record and signed by the Chairman.

2/12 APOLOGIES (AGENDA ITEM 2)

None.

3/12 URGENT BUSINESS (AGENDA ITEM 3)

None.

4/12 DECLARATION OF INTEREST (AGENDA ITEM 4)

No declarations were made.

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

Mr Askew, Executive Member for Finance and Democratic Services, was welcomed to the meeting.

6/12 THE NEW STANDARDS REGIME AND CODE OF CONDUCT (AGENDA ITEM 6)

The Solicitor advised Members that the timetable for implementing the new regime had been extended to 1 July 2012. However, Standards for

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England would cease to exist from 31 January 2012.

In view of the change to the timetable it was **RECOMMENDED TO COUNCIL** that the terms of office of the existing Independent and Parish Members of the Standards Committee be extended until 30 June 2012, plus the transitional period to dispose of existing complaints (expected to be two months).

The Solicitor explained the background to the new system and the requirements of any new Code. He asked for Members' views on the content and wording of the existing Code. No draft Codes were yet available, but Members had the opportunity to suggest amendments for the new Code.

Mr Askew thought that there should be a uniform system and Code of Conduct around the County at least. He understood that the current system was cumbersome and that the new system needed to be simpler. As there was currently no information available on what other authorities were intending to do he could not see any way forward, unless the Committee were ready to act as 'trail blazers'.

The Chairman explained that the Committee wanted to help to prepare people for the changes, but did not want to give out any wrong information. They needed a political steer from the Executive.

Mrs Matthews did not think that it was necessary to wait for others to make their minds up. If the Council decided what it wanted a draft could be prepared and then could be offered to others.

Mr Askew agreed with that idea but did not want to do unnecessary work if the legislation might change it.

Mr Williams explained that it was not criminality that they were discussing, but the behaviour of Councillors at meetings, etc. He felt that the Council had a good team on the Standards Committee that should be retained. He did not think that the same system should apply to all, as different tiers of Local Government had different ways of managing things.

Members were asked for their views on going forward alone with draft proposals and the majority were in favour of doing so. Concerns were raised about Town and Parish Councillors not being required to sign up to the same Code as District Councillors.

It was suggested that the Chairmen and Vice-Chairmen of all the Town and Parish Councils should be invited to a meeting (or possibly a Forum) so that the changes could be explained. For example, the District Council would still be responsible for investigating complaints against Town and Parish Councillors but then the complaints would be passed back to the Town or Parish Council for them to deal with.

There was a debate in which Members put forward various suggestions. The key issues which emerged were:

With regard to the existing system and Code:

- The existing Code was good and worked well, it was the system that

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needed to be streamlined

- Complaints needed to be dealt with more quickly
- New Guidelines on dealing with vexatious and persistent complainants would help to prevent any new system from being devalued
- Members felt strongly that the Town and Parish Councils should be encouraged to sign up to the same system and Code as the District Council
- The wording in the Code about interests needed to be simplified
- Failure to declare a pecuniary interest would become a criminal offence and this needed to be made clear to all Councillors
- A clear framework should be provided to enable any Councillor to determine if they had an interest
- The Officers should proceed to draft a new Code for Breckland based on the existing statutory Code.

With regard to the Standards Committee itself:

The Solicitor suggested that there were five options:

1. a Breckland Council Standards Committee
2. another Committee of the Council to take on Standards' responsibilities
3. a Joint Standards Committee with Town/Parish Councils
4. a Joint Standards Committee for the whole of Norfolk
5. a Joint Standards Committee with South Holland District Council

He asked Members for their views and most were keen to retain a Breckland Council Standards Committee. Mr Sharpe said he could not support retaining the Committee if the workload decreased considerably and Mrs Matthews suggested that future meetings could be held on an ad-hoc basis, as and when required.

Mrs Smith, as the newest Parish Member, had found the Committee very useful and thought it would be a sad day if the parishes were not involved.

Mr Sommerville felt that guidance was needed on what the Council proposed. On any future Standards Committee District Councillors would be the only voting Members, but he also felt that Parish Councils needed to be involved. He thought it was important to note that the role of the Independent Person was different from that of the current Independent Members. He felt it would be a great loss if they could not be Members of the Committee.

Mr Ridgway did not feel that the time was right to consider sharing with another authority, but if workloads fell away that could change. He thought that any future Committee should not be too large and should maintain a separate identity.

The Chairman thought that if the Council agreed with the suggested framework, the current format should continue for the rest of 2012/13 and when the workload was better understood, should be re-assessed at a future Council meeting.

The Chairman felt there was a clash between what the Committee saw as the way forward and what the Act required. He asked the Solicitor if it

Action By

would be possible for the Standards Committee to continue in its current format under the new legislation and was advised that it could, but that only District Councillors would be voting Members.

Mr Sommerville said that clarification was needed about Independent Persons and the Solicitor agreed that it was not clear if current Independent Members could become Independent Persons. On the face of it they could not – but that was a matter for legal debate.

The Chairman asked if Independent and Parish Members would be on the Committee in an advisory capacity only and the Solicitor agreed that would be the case unless there was a Joint Parish Council and District Council Committee. In that case, powers could be delegated to Parish Councillors to be voting Members. The Town and Parish Councils could be asked if they would contemplate delegating powers for a joint committee.

Mr Sommerville pointed out that a lot of Parish Councils would not understand what they were being asked.

The Chairman felt that a clear political steer was needed before the Parish Councils were approached.

With regard to dealing with misconduct complaints:

The Solicitor suggested that Officers could draft new procedures and he asked for comments about the current system.

The Chairman noted that there were several Magistrates on the Committee and they were not used to having to deal with matters in three stages. He suggested that the new system should enable matters to be dealt with at one meeting.

The Solicitor thought that one possible way forward and to cut down on time and costs would be to have the Monitoring Officer and the Chairman of the Standards Committee look at all complaints and decide:

1. Which were not worth taking forward
2. The best way of dealing with those that were
3. In more complicated cases, send the matter for further investigation before it was put to the Committee
4. Suggest conciliation, without the need for a Hearing

The Chairman liked the ideas but was concerned that public perception might be damaged and suggested that someone more independent than the Chairman should be involved.

Mr Williams agreed and said that a third person, either a Town/Parish Councillor or an Independent Member would give the procedure more legitimacy.

The Chairman said that the details would need to be worked out further down the line, currently it was the framework that needed to be agreed.

Mr Rayner suggested that the decisions made on how to handle complaints received should be reported to the next Standards Committee for assessment.

The Standards Officer advised that she had already made a start on drafting procedures for dealing with complaints and these would be circulated before the next meeting.

Action By

Mrs Allen

Mr Sommerville asked who would be responsible for informing the police about possible criminal breaches. He thought that should form part of the procedure.

With regard to an Independent Person

Members indicated that they would be in favour of having two Independent Persons.

It was **AGREED** that papers should be drafted to advertise the vacancies as it would take three months to complete the process of recruitment. The draft would be presented to the next meeting.

Mrs Allen /
Mr Chinnery

Mr Sommerville pointed out that there was nothing in the Localism Act to set the criteria for who might apply.

With regard to Disclosure of Interest

The new Act only covered disclosure of pecuniary interests and the Solicitor asked Members if they considered that a new Standing Order should require the withdrawal of Members from meetings when they had an interest.

Under the new legislation:

- If a Member had registered an interest they would not be required to declare it at a meeting or to leave the room – did the Council want to have a Standing Order requiring withdrawal?
- The new Legislation did not allow for Members to declare a pecuniary interest and then to speak at a meeting where public speaking was allowed before departing.

Mr Sharpe felt that Members should be required to declare interests at meetings before leaving. It would also be in the public interest as members of the public would not necessarily know what interests were included on a Member's register.

Mrs Matthews thought that the system needed to allow for a Member with an interest to be questioned by other Members if their knowledge would add value to the debate. The Solicitor advised that when they had a pecuniary interest that would not be possible but there might be a way to permit it for other interests.

Mr Ridgway proposed that any draft proposals should deal with declaring non-pecuniary interests.

With regard to the Register of Interests

The Solicitor advised that the Council would be required to maintain and publish the Register on its website. Parish Councils would also be required to publish their Register on their website if they had one. More details

Action By

about that and the granting of dispensations would be presented to the next meeting.

With regard to Transitional Arrangements

From 1 July 2012 there would be two months in which to clear outstanding complaints. From 1 July the power to suspend a Councillor would be removed as would the right of appeal.

It was **AGREED** that the Chairmen and Vice-Chairman of all the Town and Parish Councils should be offered training to inform them of the new procedures.

The Standards Officer suggested that the Council could offer to put the Town and Parish Council's Register of Interests on the web (via a link from Breckland Council's website).

The Chairman thanked the Solicitor for guiding the Committee through the different aspects of the new Legislation and he thanked the Executive Member for attending.

7/12 ITEMS FOR FUTURE AGENDAS (STANDING ITEM)(AGENDA ITEM 7)

No other items were put forward.

8/12 NEXT MEETING (AGENDA ITEM 8)

The arrangements for the next meeting on 21 February 2012 were noted.

The meeting closed at 3.45 pm

CHAIRMAN