

Extract from the Minutes of the Cabinet meeting held on 27 March 2012

39/12 REFERENCE FROM THE STANDARDS COMMITTEE (AGENDA ITEM 14A)

The Solicitor & Standards Consultant explained that the date of implementation for the new standards regime under the Localism Act 2011 was proposed to be 1st July 2012 but as yet no confirmation of an exact date had been received. The new regime made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors and the Council must have a new Code in place.

A new Register of Interests must also be in place but the information was still awaited.

The Council had discretion as to what it included within its new Code of Conduct. It could be based on the existing Code or on any other model coming forward including a Norfolk based or National based Code.

There would be no requirement for a Standards Committee. However, there would still be a need to deal with standards issues and the Standards Committee Members had requested that they would like to see something similar to what was already in existence or an alternative could be for standards issues to be tagged onto a normal Committee of the Council.

Members' views were sought.

Mr Wassell asked what would happen if the decision was not to have a Standards Committee. Members were informed that the current co-opted Independent Members would cease to hold office but the Act had stated that there must be a requirement to establish an Independent Person. The existing Independent Members could not be appointed as the Independent Person.

Mr Sherwood felt that the Localism Bill allowed democracy and most cases, under the new regime, would end up being reported to the Police. The Standards Board had cost each council in the region of £55k and to replace a Standards Board with another Board would be complete nonsense. This regime could be shared between Breckland, South Holland and possibly Yarmouth to save on costs. Standards, as far as he was concerned, had been badly introduced and he hoped that Members would use this opportunity to replace this old regime with something else.

Mr Sharpe who was currently a Member of the Standards Committee stated that 96% of the work was in relation to Parish Councillor and Town Councillor matters. Of those, a vast majority were vexatious and according to the new rules and regulations, the District Council was still obliged to assess these matters then refer them back to the Town or Parish Council. In his opinion, the Standards Committee could quite easily be absorbed into another Committee and then a system could be put in place to wheedle out the irrelevant complaints.

Mr Bambridge agreed with the aforementioned comments and felt that most of the vexatious complaints that had been dealt with had been a complete waste of time and money.

The Solicitor and Standards Consultant said that the residual function of Standards would have to remain as it had been re-introduced into the Act and there was still a requirement to have a Code; therefore, all Councils would still be stuck with certain functions including dealing with complaints against Town and Parish Councillors. Money would be saved as the Council would be allowed to cut out vexatious complaints. All this could be combined with an existing Committee.

The Chief Executive advised that the problem with the new regime was there was a danger that any new committee could end up dealing with matters in the same way. This would be a good opportunity to have a fresh start. As far as the Independent Person was concerned, the characteristics of this person for this role needed to be robust.

Members were informed that the Council was about to advertise for a new Independent Person and that that individual would not have any voting powers only an advisory capacity. He or she could be involved at an early stage with the Monitoring Officer.

The Chairman agreed with the Chief Executive's comments on the personal specifications. He mentioned the Nolan Principles that basically held Members to good account and those who did not would be brought down very heavily. He did not believe that the Council should have another committee but it should have a Code that was Norfolk based, not Breckland based. He suggested that the current Standards Committee should be closed down, an Independent Person should be appointed and work should be carried out on a new Code of Conduct for Norfolk.

The Assistant Director for Democratic Services, who was also the Monitoring Officer for both Breckland and South Holland District Council, stated that as the new regulations were still awaited and the current Standards Committee had to continue to deal with any issues that came in. The Solicitor and Standards Consultant pointed out that the Council would continue to have responsibility for dealing with standards complaints against elected and appointed members of Parish Councils. The Government had stated that there would be a transitional period for the determination of any outstanding complaints under the current Code for at least two months, with the existing Standards Committee.

The Executive Member for Internal Services said that he would prefer a Norfolk based Code as the world was a different place and the public expected a form of redress. Democracy and accountability were not perfect and it would be useful to have someone from outside as the Independent Person could add strength to the committee's decision.

Mr Sherwood was not convinced about having an overriding Code of Conduct and had seen examples of such Codes coming through the Local Government Association. His main concern was how Breckland Councillors behaved and not others

The Chairman said that Breckland Council should work with Norfolk County Council collectively.

Mrs Jolly had concerns about the Independent Person sifting through complaints. This person would not be elected and would not have any official remit; however, if the right person was appointed he or she could assist the towns and parishes.

The Chairman mentioned the core competencies that had been part of the management review and felt that the person appointed should fit into them.

The Executive Member for Assets & Strategic Development agreed with Mr Sherwood's comments but did have concerns with regard to the filtering process.

Mr Sherwood felt that the Council should charge town and parish councils for dealing with complaints.

The Assistant Director for Democratic Services reminded Members that the Independent Person would have to be appointed by Council and a Panel of Members would be required to carry out the interviews. The Chairman said that he would like to task the Chief Executive and the Monitoring Officer to create some core competencies within the interview process. Members were informed that this had already been done and one Member of the Cabinet had already been invited to sit on the Panel. The Chairman felt that all Cabinet should be on the Interview Panel and if the Chairman of the current Standards Committee wished to do so too he could. He did not see the point of the Standards Committee conducting the interviews if it was being abolished.

It was suggested that a Panel might be required for short-listing purposes, the outcome of which could be reported to Cabinet on 8 May 2012. The Chairman disagreed and put forward his earlier suggestion that all Cabinet Members should be on the Interview Panel followed by a recommendation from Cabinet to Council.

Mr Sharpe said that a new Code of Conduct should be agreed as soon as possible.

The Executive Member for Assets and Strategic Development felt that Standards were trying to drive an agenda forward for something that Breckland Council did not want and thought that the advert should be withdrawn.

The Solicitor and Standards Consultant said that many of the requirements for the Independent Person were stipulated in the Act itself but Breckland would be adequately covered if Cabinet was asking for it to come forward for consideration. There still had to be a standards function for Breckland and it could be tacked on to another Committee.

It was agreed that a report should be produced on all options available for the Cabinet meeting in May.

RESOLVED that:

- 1) the recommendations as listed in the report **not** be approved;
- 2) the Monitoring Officer to produce a report for the Cabinet meeting in May suggesting alternative options;
- 3) the Independent Person be appointed by Cabinet; and
- 4) a decision be made as to what Code the Council should adopt - to be considered at a later date when draft codes were available.