

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 8 July 2008 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mrs J. Jenkins (Chairman)	Mr G. Ridgway
Mr M.D. Eveling JP	Mr F.J. Sharpe
Mr D.S. Myers	Mr D.R. Williams JP
Mrs M. Oechsle JP	Mr M. Whittley

Also Present

Lady Fisher	Mr J.W. Nunn
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In Attendance

Susan Allen	- Standards Officer
John Chinnery	- Solicitor & Standards Consultant
Tim Leader	- Deputy Chief Executive
Andrea Long	- Environmental Planning Manager
Ian Vargeson	- Member Services Manager
Elaine Wilkes	- Senior Member Services Officer

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41/08 MINUTES

The minutes of the meeting held on 27 May 2008 were confirmed as a correct record and signed by the Chairman.

42/08 APOLOGIES

An apology for absence was received from Mr. B. Rayner.

43/08 NON-MEMBERS WISHING TO ADDRESS THE MEETING

Lady Fisher (for items 6 and 7) and Mr. J.W. Nunn (for item 6) were in attendance.

**44/08 MEMBERS' INTERESTS IN THE LDF PROCESS
(AGENDA ITEM 6)**

This item had been accepted back by the Chairman at the Council meeting on 30 June 2008 for further consideration.

The Chairman explained that the Committee had previously felt there were three main reasons for the recommendations that had been made at the last meeting:

1. The high stakes involved in the LDF process.
2. The importance of the public perception of the management of the process.

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3. The fact that the Council membership was sufficient to enable decisions to be made without those Members with interests in the LDF site specifics process.

The report and Minute 36/08 of the Committee's consideration of the matter at its last meeting fully set out the background to the matter. The Committee had endorsed the general advice previously given to Members. Attention was also drawn to the provisions of the Local Government Act 2000 which specifically state that the main function of Standards Committees is to promote high standards of conduct within Councils.

During discussion, the Breckland members expressed concern that the recommendation appeared to preclude Members from all discussion relating to their Wards and appeared to be applying different standards between District and Parish Councillors.

It was explained that there was a distinction between the normal circumstances governing members' interests on general matters, including Members' rights to participate in the LDF process in other respects that did not involve specific interests, and those matters of the LDF, particularly the site specifics process, where Members either did or could have prejudicial interests. Examples to explain the issues were given.

The report was concerned with the Council's reputation from the point of view of the public in seeing the involvement of members with specific interests in LDF matters. This was felt to be particularly relevant in the case of Panel 1.

Mr. Nunn stated that the situation in relation to Panel 1 was likely to be resolved by forthcoming changes to the structure of the Policy Development and Review Panels which were currently under discussion.

In answer to a question about whether Members of the Cabinet could be granted dispensations, it was explained that the role of the Cabinet in the matter was felt to be even greater than that of the Panel and that dispensations would not normally be given to such key members of the Authority. In the present circumstances, the minor nature of the interests of the three members of the Cabinet concerned was such as to be unlikely to present any problems. More particularly, however, where less than half the members of the Cabinet were affected, they would not qualify under the rules for the grant of dispensations as the committee would have a quorum of members remaining to make decisions.

By way of clarification, it was explained that "other matters" in recommendation (2) was intended to relate to those instances where Members might have specific prejudicial interests.

In conclusion, the point was made that the function of the Standards Committee was to give clear advice to the Council on best practice. It was up to the Council to decide whether or not it agreed with or wished to accept that advice.

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The recommendations as contained under minute 36/08 were endorsed for resubmission to the Council as follows:

RECOMMEND to the Council that:

- (1) Policy Development and Review Panel 1 be reconstituted to ensure that it is not comprised of any Members who are promoting sites under the LDF on behalf of themselves or any other person;
- (2) On the basis that a number of members of Cabinet were making representations or were involved in the process, Cabinet be not involved in the deliberation of LDF sites specifics allocations, settlement boundaries and other matters but simply transmit site specific documents direct to full Council;
- (3) Members of the Overview and Scrutiny Commission continue to be mindful of the need to declare any personal or prejudicial interest in receiving references from Panel 1 on the LDF in appropriate circumstances;
- (4) the Council remains conscious of public perception and of the need to act in the spirit of the Code of Conduct at all times; and
- (5) the general advice on members' interests as given in paragraph 7 of the report of the Monitoring Officer be endorsed.

45/08 APPLICATION FOR DISPENSATION: SHIPDHAM PARISH COUNCIL (AGENDA ITEM 7)

The Solicitor and Standards Consultant presented the report, which concerned an application for a dispensation for the nine existing Members of Shipdham Parish Council to enable them to consider matters in the LDF process. The request had been made in connection with three categories of interest: firstly, for all the members in respect of Parish Council land involved in the process; secondly, for those members with an interest as a close associate of person(s) who had made representations on the LDF; and thirdly, in respect of privately-owned land.

The Committee felt that a dispensation in respect of parish council land could be justified. However, the question of close associates was more difficult and was not one on which the Committee could clearly justify granting a dispensation. Guidance on the question of close associates stated that a close associate should be considered as someone who was more than an acquaintance or someone known through a group; it would apply where the public might reasonably consider that the member would favour that person more than another. The level of the association was something that a member needed to determine individually.

It was agreed it would be helpful to parishes to circulate guidance on this matter as there were likely to be similar requests from other councils.

RESOLVED that

- (1) a dispensation be granted to the under-mentioned named members of Shipdham Parish Council to allow them to speak and vote on matters relating to parish council land only in the Local Development Framework process:

David Hill	Mary J. Kidd
Paul Chubbock	Marlene Secker
Paul Hewett	Michael Shelly
Mark Crane	Vanessa de Selincourt
Ralph E. Malt	

- (2) no dispensations be granted in relation to interests from land owned by the members concerned or where interests arose through being close associates;
- (3) guidance on the matter of interests by close association be issued to parish councils.

Note: Mr. D. Myers declared a personal interest in this item as a close associate of Shipdham parish councillor Paul Chubbock.

46/08 LOCAL GOVERNMENT OMBUDSMAN ANNUAL LETTER (AGENDA ITEM 8)

The Standards Officer presented the report in this matter.

The report highlighted that the number of complaints received by the Local Government Ombudsman (LGO) during the year 2007-08 was 26, the same number as the previous year. Also as previously, some two thirds of the complaints related to planning. No reports were issued against the Council. One complaint was settled locally, seven were treated as premature, one was outside the LGO's jurisdiction and the remaining 17 were not pursued due to no evidence of maladministration or because no significant injustice resulted from the alleged maladministration.

The average time taken to respond to LGO's enquiries was 15 days, a reduction of 4 days on last year and well within the LGO's target of 28 days. This put the Council in the top 56.4% of authorities in terms of response times.

The Committee was pleased to note the excellent report and congratulated the officers for the extremely favourable comment from the LGO on the Council's liaison arrangements and the helpful and effective responses received. The LGO commended the Council for its openness in this area and its willingness to learn from the complaint experience.

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Susan Allen

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RESOLVED that the report be noted and the Committee commends the Standards Officer and the other officers involved on the extremely favourable comments on the Council's liaison arrangements with the LGO.

47/08 PARISH NEWSLETTER (AGENDA ITEM 9)

Members welcomed the draft Newsletter and felt this was an excellent medium for disseminating information to the parishes.

Some amendments were suggested to the Clerks evening item to emphasise the informal nature of the proposed event and perhaps seeking ideas from the Clerks as to what they would like in the way of format.

It was suggested that it would be useful to place an additional article in Breckland Voice on the new local assessment arrangements.

Members agreed that two or three issues a year would be reasonable provided there were sufficient items of interest to make it worthwhile.

It was also agreed that distribution of the Newsletter be to the Clerks and Chairmen of Parish/Town Councils, and Clerks advised that an electronic copy can be made available on request if they require for distribution to their members.

RESOLVED that, subject to the matters outlined above, approval be given to the issue of the Standards Committee Town and Parish Council Newsletter.

Susan Allen

48/08 PRESENTATION ON INDUCTION INFORMATION

As requested at the last meeting, the Member Services Manager gave a presentation on the matters covered by the induction process for new Members of the Council.

It was explained that the induction process was designed to familiarise new members at the earliest opportunity with basic structures and procedures, as a background against which their roles could develop with time, experience and further training.

Members thanked the Member Services Manager for the presentation, which they found very helpful.

49/08 NEXT MEETING

Arrangements for the next meeting of the Committee on 9 September 2008 were noted.

The meeting closed at 4.30 pm

CHAIRMAN