

**BRECKLAND COUNCIL**

**At a Meeting of the**

**STANDARDS COMMITTEE**

**Held on Tuesday, 23 June 2009 at 2.15 pm in  
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

**PRESENT**

Mr M.D. Eveling JP  
Mrs J. Jenkins  
Mrs M. Oechsle  
Mr B.D Rayner

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

**In Attendance**

Elaine Wilkes  
John Chinnery

- Senior Member Services Officer
- Solicitor & Standards Consultant

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**22/09 CHAIRMAN**

**RESOLVED** that Mrs. Joan Jenkins be elected Chairman of the Committee for the ensuing year.

**23/09 MINUTES**

The minutes of the meeting held on 28 April 2009 were confirmed as a correct record and signed by the Chairman.

Further to Minute 12/09 – Annual Assembly of Standards Committees – Mr. Rayner invited Members of the Committee to let him or Mr. Whittley have any questions or issues that they would like them to raise when they attended the Assembly in October.

**24/09 APOLOGIES**

Apologies for absence were received from Messrs. D. Myers and M. Whittley.

**25/09 URGENT BUSINESS**

The Chairman agreed to take two items of urgent business as follows:

- a) Update on The Planning Protocol - to enable the Committee to receive an update and comment on the matter before it was re-considered at the Council meeting on 9 July 2009; and
- b) The Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009 No. 1255) – Additional agenda item 10 as published in the agenda supplement prior to the meeting, to enable the Committee to receive an early update on the latest regulations which had just been received.

(a) Planning Protocol (Previous Minute Reference 13/09)

The Consultant Solicitor reported that the Committee's recommendation on this matter made at its last meeting had been

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considered at the Council meeting on 28 May.

At the Council meeting, Members had been reluctant to agree to anything that appeared to constrain their relations with their constituents or their roles as Ward Members.

The Council had decided to refer the matter back to the Overview and Scrutiny Commission for further consideration. The Commission had accordingly considered the matter at its meeting on 18 June, when there was a robust discussion of the Protocol overall and in relation to concerns raised about the original wording and suggested amendment of the second bullet point in paragraph 2.1 of the Protocol.

Following its deliberations, the Overview and Scrutiny Commission concluded by recommending some other additional wording to paragraph 2.1 but also the deletion in its entirety of the second bullet point in that paragraph.

The Protocol with the amendments recommended by the Overview and Scrutiny Commission would accordingly be reconsidered at the next meeting of the Council on 9 July.

Members noted the position and that there was otherwise full support for the principle of having a Planning Protocol.

(b) The Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009 No. 1255) (Agenda item 10)

The Consultant Solicitor explained that these were further interim Regulations governing Standards Committees, details of which were as summarised in the explanatory note as circulated.

The additional provisions set out the procedure by which the Standards Board for England could take back powers from a Standards Committee and set out the circumstances when that could be done.

The Regulations also set out the powers under which two or more Standards Committees could carry out functions as Joint Standards Committees.

The more important part of the Regulations related to the grant of dispensations, the revised wording of which was as highlighted in the explanatory note.

The amended Regulation in the latter item provided for the grant of dispensations to overcome a situation where otherwise the prohibition of members eligible to vote on an item of business would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in the meeting. On this point, it was noted that there had been no such cases to date but it was felt such an application could prove difficult to resolve.

The position was noted.

**26/09 APPLICATION FOR DISPENSATION - BAWDESWELL PARISH COUNCIL (AGENDA ITEM 7)**

**RESOLVED** that a dispensation be granted until May 2011 to the following named members of Bawdeswell Parish Council to enable them to speak and vote on all matters in connection with the land known as Adam's Pit to ensure the smooth running of the business of the Parish Council:

David Shannon, William Mason, Carl Beane, Alex Kirby  
James Lilwall, David Cockburn and John Mallen.

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**27/09 APPLICATION FOR DISPENSATION – WEASENHAM ALL SAINTS PARISH COUNCIL – FORMER HIGHWAYS SURVEYOR'S LAND CHARITY (AGENDA ITEM 8)**

The Consultant Solicitor explained that this application was as a result of other action in connection with a complaint dealt with by the Assessment Sub-Committee. The application was made in respect of all the members of the Parish Council, although there was one existing vacancy yet to be filled.

In view of the vacancy, it was proposed that the Monitoring Officer be given delegated authority to grant a dispensation to the new Parish Councillor when elected.

**RESOLVED** that

- (1) a dispensation be granted until May 2011 to the following named members of Weasenham All Saints Parish Council to enable them to speak and vote on all matters in connection with the Former Highway Surveyor's Land Charity to ensure the smooth running of the business of the Parish Council:

Christopher McCarthy, Richard Bowyer, Richard Coke,  
Andrew Curry, Jane Elphick and Verena Varley.

- (2) the Monitoring Officer be given delegated authority to grant a dispensation for the same purpose to the new member of the Parish Council when elected.

Susan Allen

**28/09 NEXT MEETING**

Arrangements for the next meeting on 4 August 2009 were noted, by which time it was hoped the awaited revised Code would have been received.

The meeting closed at 3.00 pm

CHAIRMAN