

Minutes of:	STANDARDS COMMITTEE
Date of Meeting:	3 April 2012
Present:	Councillors A Audin, K Audin, R Brown, A Quinn and J Walton
Independent Members:	A Brown (in the Chair) and K Wainwright
Apologies:	Councillors M D'Albert and J Taylor, Mr D Gremson
Public Attendance:	There were no members of the public in attendance at the meeting.

S.764 MR A WITHINGTON

The Committee observed a brief silence as a mark of respect for Mr Arthur Withington who had recently passed away. Arthur's valuable contribution to the work of the Committee was acknowledged.

S.765 DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

S.766 PUBLIC QUESTION TIME

There were no Members present to ask questions under this item.

S.767 MINUTES OF THE LAST MEETING

Delegated decision:

That the Minutes of the last meeting held on 9 February 2012 be approved and signed a correct record.

S.768 THE LOCALISM ACT 2011 – THE AMENDED STANDARDS REGIME

Further to Minute S.606 of 9 February 2012, Members considered a report of the Monitoring Officer which set out changes to the system of regulation of standards and put forward options for consideration in order to implement the changes.

Since 9 February 2012, the report had been circulated to Members for comment. Comments made by Mr Gremson were circulated.

The Monitoring Officer reported that the Leader and Deputy Leader had indicated their preference for the Standards Committee to make

recommendations on future arrangements. The Leader of the Liberal Democrat Group had given his support to the Monitoring Officer's report.

In seeking the Committee's views on future Standards arrangements, it was pointed out that although the new regime was to be implemented by 1 July 2012, a definition of Disclosable Pecuniary Interests was still awaited, as was a draft code which was being drawn up on behalf of AGMA Authorities.

RECOMMENDATION:

1. That the Council establish a Standards Committee comprising eight Members appointed proportionally plus an Executive Member nominated by the Leader.
2. That the Monitoring Officer be instructed to prepare and present to the Standards Committee and Council, for adoption, a draft Code of Conduct. That draft Code may –
 - i. equate to Paragraphs 3 to 7 of the current Code of Conduct applied to member conduct in the capacity of an elected or co-opted member of the Council or its Committees and Sub-Committees; and
 - ii. require registration and disclosure of interests which would today constitute personal and/or prejudicial interests, but only require withdrawal as required by the Act in relation to Disclosable Pecuniary Interests.
3. That, when the Disclosable Pecuniary Interests Regulations are published, the Monitoring Officer, after consultation with the Chair of Standards Committee, add to that draft Code provisions which she considers to be appropriate for the registration and disclosure of interests other than DPIs.
4. That the Monitoring Officer be instructed to prepare and submit to Council for approval "arrangements" as follows:
 - a. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
 - b. That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. The Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that she be given discretion to refer decisions on investigation to the Standards Committee where she feels that it is inappropriate for her to take the decision, and to report

quarterly to Standards Committee on the discharge of this function;

- c. Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;
 - d. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, she is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;
- 5. That Council delegate to Hearings Panels such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include those set out in paragraph 5.5 of the report.
 - 6. That the Monitoring Officer, in consultation with the Chair of Standards Committee and with the advice of the Executive Director of Resources and Assistant Director of Human Resources, be authorised to set the initial expenses for the Independent Person and any Reserve Independent Persons, and this function subsequently be delegated to the Standards Committee.
 - 7. That the Monitoring Officer advertise a vacancy of the appointment of one Independent Person and 2 Reserve Independent Persons.
 - 8. That a Committee comprising the Chair and three other members of Standards Committee be set up to short-list and interview candidates, and to make a recommendation to Council for appointment.
 - 9. That the Monitoring Officer explore ways in which the Reserve Independent Persons can be utilised in order to obtain relevant experience.
 - 10. That the Monitoring Officer prepare and maintain a new register of members interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act.
 - 11. That the Monitoring Officer ensure that all members are informed of their duty to register interests.

12. That the Monitoring Officer be instructed to recommend to Council a Standing Order/s which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he/she is permitted to remain as a result of the grant of a dispensation.
13. That Council delegate the power to grant dispensations:
 - a. on Grounds set out in Paragraphs 10.3.1 and 10.3.4 of this report to the Monitoring Officer with an appeal to Standards Committee, and
 - b. on Grounds 10.3.2, 10.3.3 and 10.3.5 to the Standards Committee, after consultation with the Independent Person.

S.769 VOTE OF THANKS

The Chair thanked Members and Officers for their support during both her period as Chair and as an Independent Member of the Committee since it was established.

Members also passed on their thanks and appreciation to the Chair and Independent Members for their valuable contribution.

A BROWN
Chair

(Note: The meeting started at 7.00pm and ended at 7.30pm).