

<b>Minutes of:</b>	<b>STANDARDS COMMITTEE</b>
<b>Date of Meeting:</b>	14 November 2011
<b>Present:</b>	Councillors A Audin, M D'Albert and A Quinn
<b>Independent Members:</b>	A Brown (in the Chair), D Gremson and Mr K Wainwright
<b>Apologies:</b>	Councillors K Audin, J Taylor and J F Walton and Mr A Withington
<b>Public Attendance:</b>	There were no members of the public in attendance at the meeting.

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### **S.362 DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at the meeting.

### **S.363 PUBLIC QUESTION TIME**

There were no members of the public present to ask questions under this item.

### **S.364 MINUTES OF THE LAST MEETING**

#### **Delegated decision:**

That the Minutes of the last meeting held on 26 May 2011 be approved and signed a correct record.

### **S.365 THE DEVELOPMENT OF THE STANDARDS REGIME PROVISIONS IN THE LOCALISM BILL**

The Monitoring Officer submitted a report which updated Members on the provisions in the Localism Bill which affected the ethical framework of Local Authorities.

Following its publication on 13 December 2010 and its subsequent passage through Parliament, the Localism Bill now contained the following provisions:-

- § Standards for England will cease to operate.
- § There is a duty upon Local Authorities to promote and maintain high standards of conduct.
- § Local Authorities are no longer required to have a Standards Committee. That is a matter for local choice.
- § Local Authorities are required to adopt a Code of Conduct for Members which must be consistent with the Nolan principles. A draft Code

produced the Association of Council Secretaries and Solicitors was submitted.

- § There is a requirement to have in place arrangements for investigating and determining allegations of misconduct.
- § There is a requirement to appoint an "independent person" to give view on complaints.

It was further reported that the Bill did not set out any sanctions for a breach of the Code adopted by the Council, which would necessitate reliance on existing powers such as removing a Member from a Committee or moving a Motion of Censure. The Bill still provided some clarification on the rules on predetermination and bias. Rules on registering interests would be covered through regulations.

The implications for Local Authorities would be to decide whether or not to establish a Standards Committee and how to locally resolve complaints against elected Members.

Members present expressed concern at the changes brought about by the Bill given the effectiveness within Bury of the present arrangements in promoting good standards and protecting Members from unwarranted or malicious complaints.

**Delegated decision:**

That the report be noted.

**S.366 REPRESENTATION AND OFFICIAL CAPACITY**

The Monitoring Officer referred to a recent Upper Tribunal case which had resulted in further issues for consideration about the meaning of the phrase "acting as a representative of your Authority" in paragraph 2(1)(b) of the Code of Conduct. The judgement had resulted in a distinction between acting as a "member" and acting as a "representative" and could be particularly relevant for Members who use social network sites. (Revised guidance on the use of social network sites is on the Standards for England website)

**Delegated decision:**

That the report be noted.

**S.367 STANDARDS ISSUES**

There were no issues raised under this item.

**A BROWN**  
**Chair**

**(Note: The meeting started at 7.00 pm and ended at 7.38 pm)**