

STANDARDS COMMITTEE

18th December 2008

PRESENT:-

District Council Members

Councillor Harrison and Mrs. Hood (Conservative Group) and Councillor Mrs. Mead (Labour Group).

Parish Members

Mr. K. Fairbrother (Castle Gresley Parish Council) and Mr. K. Overton (Willington Parish Council).

Independent Members

Mr. P. Dawn (Vice-Chairman in the Chair), Mr. P. B. Purnell and Mr. T. Thompson.

SC/27. **APOLOGIES**

Apologies for absence from the Meeting were received from Mr. D.R. Williams (Chairman), Ms. C. Barker (Barrow-on-Trent Parish Council) and Mr. R. Pearson (Independent Member).

SC/28. **MINUTES**

The Open Minutes of the Meeting held on 28th October 2008 were taken as read, approved as a true record and signed by the Chairman.

SC/29. **DECLARATIONS OF INTEREST**

Ms. C. Barker (Barrow-on-Trent Parish Council) had previously declared a prejudicial interest in the items relating to a summary of complaints to Standards Sub-Committees (Minute No. SC/33), request for dispensations – Barrow on Trent Parish Council (Minute No. SC/34) and complaints to Standards Sub-Committees (Minutes No. SC/37) due to her direct involvement. Having tendered an apology, Ms. Barker did not attend the Meeting.

MATTERS DELEGATED TO COMMITTEE

SC/30. **CONSULTATION PAPER – COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER: CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES**

Further to Minute No. SC/16 of 28th October 2008, Members now considered this matter in the light of draft responses to the questions prepared by Bevan Brittan referred to at the last Meeting. It was noted that at the Full Council Meeting on 13th November 2008, Members authorised this Committee to respond to the consultation paper on behalf of the Council.

Members of the Committee expressed a wish to be consulted further on the actual text of any proposed revisions to the Code. In this regard, it was hoped that a draft revised Code would be issued in due course for consultation. It was noted that there was already an existing Code in place and it was considered important that any revisions were appropriate and

reasonable, rather than rushing a new Code through the process merely to be in place for the 2009 local elections.

RESOLVED:-

That, subject to the above comments, the responses prepared by Bevan Brittan attached at Annexe 'A' to these Minutes be endorsed with the following additional comments on the questions indicated:-

Question 2

- ***1.2 - The police now have extended powers to issue conditional cautions for fairly serious offences and this should be reflected accordingly.***

Question 6

- ***1.6.3 - A gift or hospitality may be received from an "organisation or body" as well as a "person" and this should be reflected accordingly.***
- ***1.6.9 - The level for declaration of gifts and hospitality should be set at £50.***
- ***1.6.10 - The definition of "close association" should also cover people with whom the Member has had a close continuing relationship.***

Question 7

- ***1.7.2 - This comment also needs to take account of those "fourth option" authorities operating a committee structure under "alternative arrangements".***

Question 9

- ***1.9 - On the last sentence, the word "suspended" would be more appropriate than "prohibited".***

SC/31. **GUIDANCE ON REFERENCE TO THE ADJUDICATION PANEL BY A STANDARDS COMMITTEE**

Members were reminded of the recent changes made to the legislation that dealt with allegations about the conduct of Councillors, with local Standards Committees being responsible for receiving complaints and deciding what to do with them. One option available to a Standards Committee after considering an Investigating Officer's report was to refer the matter to the Adjudication Panel for England for determination by a tribunal. The President of the Adjudication Panel had issued guidance on the circumstances in which the Adjudication Panel would consider accepting a reference from a Standards Committee and a copy of the guidance was attached for Members' information.

RESOLVED:-

That the guidance on the circumstances in which the Adjudication Panel would consider accepting a reference from a Standards Committee be noted.

SC/32. LOCAL CODE OF CORPORATE GOVERNANCE – REVIEW OF SELF ASSESSMENT

The Committee received a report which outlined the background and process which had led to the submission of a Review of Self Assessment document and Action Plan and which also invited the Committee to consider the document and report to Full Council on progress following a Self Assessment audit being carried out by officers in November 2008.

A revised Local Code of Corporate Governance was adopted by the Council on 3rd July 2008, at which time it was reported that a Self Assessment audit had been carried out by officers to provide evidence of how the Council had fulfilled or intended to fulfil its commitment to Corporate Governance. In approving the Code, Full Council had agreed that this Committee should receive half-yearly reports on progress in relation to compliance with the six core principles on which the Code was based. This would ensure that this Committee had a pivotal role in promoting and maintaining high standards of conduct throughout the Authority.

RESOLVED:-

That the Council be recommended to note progress in achieving the action points set out in the Self Assessment of performance under the Local Code of Corporate Governance.

SC/33. SUMMARY OF COMPLAINTS TO STANDARDS SUB-COMMITTEES

Members were reminded that the Local Assessment regime introduced by The Standards Committee (England) Regulations 2008 relating to the assessment of complaints had been operative since 8th May 2008. A summary of the complaints received was attached without naming the complainants and the subject Members.

Regulation 8(5) required a Sub-Committee to produce a summary in writing of its consideration of an allegation or a review of a decision. The written summary must record the main points considered, the conclusions as regards the allegation or review of the decision and the reasons for that conclusion; be prepared having regard to any relevant guidance issued by the Standards Board; be available for inspection by members of the public at the offices of the authority for a period of six years beginning with the date of the Meeting; and be given to any parish council of which any Member who was the subject of an allegation referred to in the written summary was a Member.

Ongoing reports would be submitted to the Committee on further complaints received.

RESOLVED:-

That, the summary of complaints considered by the Standards Sub-Committees be noted.

SC/34. REQUEST FOR DISPENSATIONS – BARROW-ON-TRENT PARISH COUNCIL

It was reported that the Chairman of the Committee had approved this additional item as a matter of urgency as a decision was required before the next Meeting of Barrow-on-Trent Parish Council early in the New Year.

Members were reminded that on 26th November 2007, the Committee considered four requests received for dispensations under the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 from Christine Barker, Anne Heathcote, Keith Slater and Ken Atkin, all Members of Barrow-on-Trent Parish Council. The requests related to a matter concerning the exhumation and reburial of William Henry Atkin and it was reported that as the Parish Council only had six Members, it was inquorate in considering the matter following the withdrawal of the aforementioned four Members. At that Meeting, the Committee agreed that dispensations be granted to the four parish councillors to enable them to participate in decision-making on the matter concerned for a period of one year or upon the conclusion of the matter, whichever was the earliest.

Requests had now been received from Christine Barker, Anne Heathcote and Keith Slater for extensions to their dispensations. Copies of their applications had been circulated for consideration, together with a copy of the report to the Committee on 2nd September 2004 on the procedure for dealing with dispensations.

RESOLVED:-

That dispensations be granted to the three parish councillors to enable them to participate in decision-making on the matter concerned for a further period of one year or upon the conclusion of the matter, whichever is the earlier.

SC/35. LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**RESOLVED:-**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on 28th October 2008 were duly received.

COMPLAINTS TO STANDARDS SUB-COMMITTEES (Paragraphs 1 and 2)

The Committee noted the decision notices relating to Meetings of the Standards Sub-Committee (Initial Assessment) and Standards Sub-Committee (Review) since May 2005.

P. DAWN

CHAIRMAN