

STANDARDS COMMITTEE

13th June 2012

PRESENT:-

District Council Members

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

Parish Members

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

Independent Members

Mr. P. Dawn, Mr. P.B. Purnell and Mr. D.R. Williams.

SC/1. **APPOINTMENT OF CHAIRMAN**

RESOLVED:-

That Mr. D.R. Williams be appointed Chairman of the Committee.

SC/2. **APOLOGIES**

Apologies for absence from the Meeting were received from District Councillor Bale and Mrs. K. St. Clair (Independent Member).

SC/3. **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED:-

That Mr. P. Dawn be appointed Vice-Chairman of the Committee.

SC/4. **MINUTES**

The Open and Exempt Minutes of the Meeting held on 13th September 2011 were taken as read, approved as true records and signed by the Chairman.

MATTERS DELEGATED TO COMMITTEE

SC/5. **THE NEW STANDARDS REGIME**

The Committee considered a detailed report on the fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members arising from the Localism Act 2011 and associated Regulations. The date for implementation of these changes had now been confirmed as 1st July 2012.

In summary, the Act:-

- Abolished Standards for England (formerly the Standards Board for England) on 31st March 2012.
- Withdrew the requirement for local authorities to have a Standards Committee on 30th June 2012.
- Abolished the role of (voting) Independent Members on 30th June 2012, replacing it with a diminished and non-voting role for “at least one Independent Person”.

The Act required Local Authorities to promote and maintain high standards of conduct by elected and co-opted members and have in place arrangements to investigate allegations of breaches of the Code of Conduct. Therefore, even though the requirement to have a Standards Committee was removed, the likelihood was that most, if not all, authorities would retain the Committee in one form or another.

While the Act, in its final form, retained the obligation for each Council to have a Members’ Code of Conduct, it gave more freedom to decide what was in it. Finally, the Act created a new criminal offence for a Member to fail to declare or register interests. However, the sanctions that could be imposed for breach of the Code of Conduct were much reduced from the current sanctions.

The Committee considered the various issues for recommendations to a Special Full Council Meeting on 28th June 2012.

RESOLVED:-

That the following recommendations be made to the Full Council:-

(1) That a Standards Committee be appointed with the following composition:-

- ***Five District Council voting Members in accordance with political proportionality rules (three Conservative Group & two Labour Group)***
- ***Two Independent Persons (non-voting)***
- ***One Independent co-opted Member (non-voting)***
- ***Two Parish Council co-opted Members nominated by the Derbyshire Association of Local Councils (non-voting)***

(2) That a Code of Conduct be adopted based primarily on the existing Code.

(3) That two Independent Persons be appointed, with the current Special Responsibility Allowance for the Chairman of the Committee (£2240 per annum) to be divided equally between them and the Monitoring Officer be authorised to undertake the recruitment process and make verbal recommendations on appointments to the Council Meeting.

- (4) ***That the Complaints Procedure developed by the Derbyshire Monitoring Officers Group be adopted together with the following associated arrangements:-***
- ***That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct.***
 - ***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.***
 - ***Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be authorised to close the matter, provide a copy of the report and findings of the investigation to the complainant, the Member concerned and the Independent Person, and report the findings to the Standards Committee for information.***
 - ***Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer report the investigation findings to a Hearings Sub-Committee of the Standards Committee for a local hearing.***
 - ***That Full Council delegates to the Hearings Sub-Committee 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.***
 - ***That the Standards Committee revisit the Terms of Reference, Procedures and composition of its Hearings Sub-Committee to ensure it is appropriate for the new regime.***
- (5) ***That the Council delegated the power to grant dispensations to the Monitoring Officer and the Standards Committee, as set out in the report.***
- (6) ***That an additional Council Procedure Rule be adopted, requiring Members to withdraw from the meeting room, as at present, when declaring interests leading to non-participation in matters.***

D.R. WILLIAMS

CHAIRMAN

The Meeting terminated at 7.00 p.m.