

MINUTES of the EXTRAORDINARY MEETING of the  
SOUTH DERBYSHIRE DISTRICT COUNCIL  
held at Civic Offices, Civic Way, Swadlincote  
on 28th June 2012  
at 5.30 p.m.

**PRESENT:-**

**Conservative Group**

Councillor Bale (Chairman), Councillor Mrs. Hood (Vice-Chairman) and Councillors Atkin, Mrs. Brown, Ford, Mrs. Hall, Jones, Lemmon, Murray, Roberts, Stanton, Mrs. Watson, Watson and Wheeler.

**Labour Group**

Councillors Bambrick, Bell, Chahal, Dunn, Frost, Mulgrew, Rhind, Richards, Shepherd, Southerd, Stuart, Taylor, Tilley and Wilkins.

CL/25. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Harrison, Hewlett, Mrs. Patten, Mrs. Plenderleith and Smith (Conservative Group) and Councillors Mrs. Heath, Mrs. Mead and Pearson (Labour Group).

The Chairman referred to Councillor Mrs. Mead's recent family bereavement and the Chief Executive was requested to convey the Council's condolences to her.

CL/26. **THE NEW STANDARDS REGIME**

The Council 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 31<sup>st</sup> March 2012.
- Withdrew the requirement for local authorities to have a Standards Committee on 30<sup>th</sup> June 2012.
- Abolished the role of (voting) Independent Members on 30<sup>th</sup> 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 Standards Committee had considered the various issues at a Special Meeting held on 13th June 2012 and its recommendations were set out within the report. Mr. Dudley Williams, the Chairman of the Standards Committee for the previous nine years, was present at the Meeting and Members expressed their gratitude to him for his dedicated service.

**RESOLVED:-**

- (1) That a Standards Committee be retained with the following composition to be confirmed at the Council Meeting on 5th July 2012:-**
  - ***District Council voting Members in accordance with the overall political proportionality of the Council***
  - ***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 Members' Code of Conduct based primarily on the existing Code, as attached at Annexe 'A' to the report, be adopted by the Council with effect from 1st July 2012.**
- (3) That, following the recruitment process conducted by the Monitoring Officer, Mr. Peter Purnell and Mr. Peter Smith be appointed as Independent Persons and the current Special Responsibility Allowance for the Independent Chairman of the Committee be divided equally between them.**
- (4) That the Complaints Procedure attached at Annexe 'D' to the report be adopted by the Council 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 the 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 power to grant dispensations be delegated as follows:-**

**(a) On the following grounds, to the Monitoring Officer with an appeal to the Standards Committee:-**

- *That so many Members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would “impede the transaction of the business”. In practice, this means that the decision-making body would be inqorate as a result.*
- *That, without a dispensation, no Member of the Committee or Sub-Committee would be able to participate on this matter.*

**(b) On the following grounds, to the Standards Committee after consultation with the Independent Persons:-**

- *That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.*
- *That the authority considers that the dispensation is in the interests of persons living in the authority’s area.*
- *That the authority considers that it is otherwise appropriate to grant a dispensation.*

**(6) That an additional Council Procedure Rule be adopted, requiring any Member having a Disclosable Pecuniary Interest in a matter to withdraw from the meeting room, as at present.**

**(7) That the consequential amendments to the Constitution arising from the above decisions be approved.**

M.J.P. BALE

CHAIRMAN

The Meeting terminated at 6.20 p.m.