

STANDARDS COMMITTEE

28th October 2008

PRESENT:-

District Council Member

Councillor Mrs. Mead (Labour Group).

Parish Members

Ms. C. Barker (Barrow-on-Trent) and Mr. K. Overton (Willington).

Independent Members

Mr. D. R. Williams (Chairman), Mr. P. Dawn (Vice-Chairman),
Mr. R. Pearson, Mr. P.B. Purnell and Mr. T. Thompson.

APOLOGIES

Apologies for absence from the Meeting were received from District Councillors Harrison and Mrs. Hood (Conservative Group) and Mr. K.J. Fairbrother (Castle Gresley Parish Council).

SC/14. **DECLARATION OF INTEREST**

Ms. C. Barker (Barrow-on-Trent Parish Council) declared a prejudicial interest in the Open and Exempt Minutes of the Meeting held on 26th August 2008, as the subject Member identified in the Minutes.

SC/15. **MINUTES**

The Open Minutes of the Meetings held on 28th May and 26th August 2008 were taken as read, approved as true records and signed by the Chairman.

(Ms. C. Barker (Barrow-on-Trent Parish Council) declared a prejudicial interest in the Open Minutes of the Meeting held on 26th August 2008, as the subject Member identified and withdrew from the Meeting during the consideration thereof).

MATTERS DELEGATED TO SUB-COMMITTEE

SC/16. **CONSULTATION PAPER – COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER: CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES**

It was reported that a Consultation Paper had recently been issued by the Department of Communities and Local Government which invited views on proposals for revising the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. Responses had been requested by 24th December 2008.

The Monitoring Officer reported that since the preparation of the report, suggested draft answers to the various questions posed had been received, which may assist Members of the Committee in their deliberations. In view of the timescale, it was suggested that a further Meeting could be convened

to consider these in detail. In the meantime, it was suggested that a report could be prepared for consideration by the Full Council on 13th November 2008 with a request for any comments to be forwarded to this Committee, which may then be authorised to respond on behalf of the Council.

The issue of criminal activity was discussed briefly and it was agreed that a full discussion would take place at the next Meeting.

RESOLVED:-

That a further Meeting be held on 25th November 2008 to consider this matter further and in the meantime, a report be submitted to the Full Council as outlined above.

SC/17. **SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES – 13TH AND 14TH OCTOBER 2008**

The Committee received details of the conference materials from the seventh Annual Assembly of Standards Committees held at the ICC Birmingham on 13th and 14th October 2008. This had been attended by Peter Dawn (Vice-Chairman of the Committee), Andrea McCaskie (Monitoring Officer) and Neil Betteridge (Democratic Services Manager). A report prepared by the Vice-Chairman was also attached which Mr. Dawn presented to Members.

Several Members felt the need to understand the operation of parish councils in more detail. In this regard, the Monitoring Officer advised that Mr. B. Wood, Secretary of the Derbyshire Association of Local Councils was due to attend the Civic Offices on 11th November 2008 to address a parish council. Following this, he may be prepared to make a brief presentation to Members of the Committee on the operation of parish councils.

RESOLVED:-

That the report be noted and Mr. B. Wood be requested to address Members of the Committee on 11th November 2008.

SC/18. **MONITORING OFFICER PROTOCOL**

The Committee considered the adoption of a Monitoring Officer Protocol, which covered statutory responsibilities, working arrangements and sanctions for breaches of the Code of Conduct. A summary of the Monitoring Officer functions was also attached and Members discussed a minor amendment to the wording in the general introduction to statutory responsibilities relating to the inclusion of a reference to private capacity, where appropriate.

RESOLVED:-

- (1) That the Monitoring Officer considers the inclusion of a reference to private capacity, as outlined above, in consultation with the Chairman of the Committee.***
- (2) That, subject to (1) above, the Monitoring Officer Protocol be approved and adopted and recommended to the Full Council for incorporation in the Council's Constitution.***

SC/19. **ARTICLE 8 OF CONSTITUTION – QUORUM OF COMMITTEE**

The Committee received a report on revised quorum arrangements for the Committee set out in Article 8.01(d) of the Council's Constitution to reflect the number of Independent Members as the majority group represented on the Committee. Previously, the quorum arrangements for the Committee were three Members (including at least two District Council Members and an Independent Member) except where Parish Council business was being discussed when the quorum should be four (which in addition to the above must include at least one Parish Member). This had remained since the Constitution was adopted in 2001, when the District Council had the majority number of Members as well as the position of Chairman. However, since that time, good practice issued by the Standards Board for England had placed an emphasis on increasing the number of Independent Members, as well as the need for an Independent Chairman and Vice-Chairman of the Committee. This was now reflected in the arrangements for this Council's Standards Committee.

In view of the changing arrangements since 2001, it was felt appropriate that the quorum arrangements for the Committee should be reviewed to reflect the number of Independent Members as the majority group. Accordingly, at the Full Council Meeting on 2nd October 2008, the following amendment to Article 8.01(d) was agreed:-

"The quorum of a Meeting will be three (including at least one District Council Member and two Independent Members) and where Parish Council business is being discussed the quorum shall be four (which in addition to the above must include at least one Parish Member)".

Arising from this matter, it was felt that an additional role should be included in the Terms of Reference of the Committee set out in Article 8.02 of the Constitution. Members were reminded that as part of the Local Assessment Regulations, three Sub-Committees had been established in May 2008 with approved Terms of Reference. Several Meetings of the Sub-Committees had since been held and it was considered appropriate for the Standards Committee, as the parent body, to receive reports from them on their activities. As Meetings of the Sub-Committees were held in private session, a mechanism of reporting back to the parent committee periodically would ensure transparency in the process. Accordingly, it was considered that the following role should also be included in Article 8.02:-

"To receive reports from the Sub-Committees in relation to the Assessment, Review and Consideration hearings and determination of any allegations and to consider whether any further recommendations need to be made to the District or Parish Council".

RESOLVED:-

- (1) That the revised quorum arrangements for the Committee be noted.***
- (2) That the Full Council be recommended to extend the roles and functions of the Standards Committee in Article 8.02, as outlined above.***

SC/20. **TRAINING**

The Committee received details of various training sessions provided during the past year. Further refresher training sessions were planned for parish councils on the Members' Code of Conduct, although it was accepted that when amendments to the Code of Conduct came into force, additional training would be necessary at that time.

It was suggested that a DVD would be useful in relation to Code of Conduct issues, specifically for parish councils, similar to that produced by the Standards Board for England relating to planning decisions. In this regard, it was suggested that the Chairman could write to the Standards Board for England suggesting that this would be popular and querying whether the Board could undertake or commission such a production in relation to its strategic role.

RESOLVED:-

That the report be noted and the Chairman be authorised to write to the Standards Board for England relating to a training DVD specifically for parish councils, as outlined above.

SC/21. **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 26th August 2008 were duly received.

Ms. C. Barker (Barrow-on-Trent Parish Council) declared a prejudicial interest in this matter as the subject Member identified and withdrew from the Meeting during the consideration and determination thereof.

D. R. WILLIAMS

CHAIRMAN