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STANDARDS COMMITTEE

DATE: WEDNESDAY 9 DECEMBER 2009
TIME: 10.00 AM
PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –

Mr Pearce (Independent Member), Chair
Councillors Mrs Aspinall, Mrs Bragg, Gordon, Dr. Mahony and Mrs Stephens

Independent Members –

Mr Roy Campbell, Mr Craig Duncan, Ms Corinne Farrell, Mr Malcolm Haggart and Mr John Williams

Members are invited to attend the above meeting to consider the items of business overleaf

Members and Officers are requested to sign the attendance list at the meeting.

BARRY KEEL
CHIEF EXECUTIVE

STANDARDS COMMITTEE

PART I (PUBLIC COMMITTEE)

1. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this Agenda.

3. MINUTES

(Pages 1 - 4)

The Committee will be asked to confirm the minutes of the meeting held on 24 June 2009.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. OMBUDSMAN REPORTS

The committee will receive an update on Ombudsman reports.

6. PROCESS FOR DEALING WITH STANDARDS REVIEW HEARINGS - TO FOLLOW

The Committee will be provided with information upon the process for dealing with Standards Review Hearings.

7. UPDATE ON MATTERS DEALT WITH BY THE ASSESSMENT AND REVIEW SUB COMMITTEES.

The Committee will be provided with a verbal update on matters dealt with by the Assessment and Review Sub Committees.

8. DATE AND VENUE OF NEXT MEETING

The next meeting of this committee will take place at 10 am on 10 March 2010, in the Council House.

9. EXEMPT BUSINESS

To consider passing a resolution under Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 1 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

10. APPLICATION FOR AN EXEMPTION IN RELATION TO A POST BEING PLACED ON THE LIST OF POLITICALLY RESTRICTED POSTS (E1)

The Committee will be provided with a verbal update on an application for an exemption in relation to a post being placed on the list of politically restricted posts.

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Standards Committee

Wednesday 24 June, 2009

PRESENT:

Mr. Pearce (Independent Member), in the Chair.
Councillors Mrs. Aspinall, Gordon and Mrs. Stephens.

Independent Members: Mr. Duncan, Mr. Haggart and Mr. Williams.

Apology for absence: Councillor Dr. Mahony.

The meeting started at 10.00 a.m. and finished at 10.55 a.m.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

1. WELCOME

The Chair welcomed Members to the first meeting of the new Municipal Year and particularly Councillor Mrs. Aspinall who was a new appointment to the Committee, having replaced Councillor Miller MBE.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members in accordance with the Code of Conduct.

3. APPOINTMENT OF VICE CHAIR

Resolved that the appointment of a Vice-Chair be considered as and when necessary.

4. MINUTES

Resolved that the minutes of the meeting held on 31 March, 2009, be approved.

5. MATTERS ARISING

Department for Communities and Local Government Code of Conduct (Further Amendment) Consultation Update

Further to minute 31, Mr. Haggart asked for an update on the issue he had raised previously regarding political balance. The Committee was advised that under the current arrangements, in order to accord with the Council's overall political balance and proportional seating allocation to committees, the Labour Group would have to give up a seat on another committee in order to gain an extra seat on Standards. The matter had been discussed with the Leader of the Opposition and he was reluctant to do this.

Ethical Governance Survey

With reference to minute 32, the Committee was advised that discussions between the Head of Legal Services and the Audit Commission were ongoing and there was, therefore, nothing further to report at this time.

6. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

7. **HAVE YOUR SAY**

The Deputy Monitoring Officer reported that the item was being withdrawn from the agenda as a result of discussions between Councillor Dr. Mahony and the Democratic and Members Support Manager. The concern of whether Members had been consulted on the leaflet had been addressed as the matter had been considered by the Overview and Scrutiny Commission. The Chair further reported that he had raised the issue at his quarterly meeting with the Chief Executive and been informed that the Council's Have Your Say policy was outside the Standards Committee's remit.

On the matter of what was and was not within the remit of the Standards Committee, Mr. Haggart expressed his concern at a recent media release about "tweeting" being banned by Plymouth City Council following receipt of a number of complaints and asked on whose authority the decision been taken and why the matter had not been investigated by Standards. The Deputy Monitoring Officer responded that she was unaware of the details of the complaints but that the Chief Executive had taken the decision to stop staff and councillors from accessing 'twitter' whilst using Council resources/equipment. Councillor Mrs. Aspinall confirmed that an e-mail had been sent to all staff and councillors regarding inappropriate e-mails and use of social networking sites advising that such activities should cease pending a review into appropriate use of equipment.

Mr. Haggart reiterated his concern by stating that the press release had contained information about the nature of the complaints, such as swearing and condemning officers, and that if this was the case this was in breach of the Code of Conduct, paragraphs (3) and (8) and should be brought to Standards. Having sought the views of other Committee Members and found that Mr. Haggart's concern was not shared nor supported, the Chair suggested that Mr. Haggart take the matter up individually with the Chief Executive.

8. **OMBUDSMAN REPORTS: PRINCESS YACHTS INTERNATIONAL**

Further to minute 29, the Director for Development and Regeneration submitted a further report updating the Committee on progress following an Ombudsman complaint regarding Princess Yachts International at Coypool. The Chair commented that he thought the report was very open and honest and the Committee welcomed the fact that proactive measures had been put in place to ensure that the weaknesses in internal processes that lead to the Ombudsman investigation were not repeated.

Resolved that the report be noted.

9. **NEW POWERS TO DEAL WITH DISPENSATIONS**

The Deputy Monitoring Officer submitted a report updating the Committee on new regulations which had come into force from 15 June, 2009. The regulations extended the power of Standards Committees to give members dispensations where they would otherwise be prohibited from participating on a matter because of a prejudicial interest. The significant differences were highlighted as follows –

- (i) dispensation now granted if the business of the authority would be impeded because more than 50% of the members of the decision-making body would otherwise be prohibited from voting on the matter;
- (ii) dispensation now granted if the business of the authority would be impeded because the absence of members as a consequence of prejudicial interests would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting;
- (iii) where one or more members had made a written application for a dispensation, setting out why they considered that a dispensation was desirable, the Standards Committee may grant a dispensation if it is of the opinion that it was appropriate to do so;
- (iv) dispensation now granted for a particular meeting or for a period of up to four years;
- (v) all dispensations to be entered in the register of members' interests;

- (vi) dispensation cannot be granted to a former cabinet member to participate in overview and scrutiny where scrutiny of that councillor's former decisions was to take place.

The Committee heard that the new legislation would raise some practical issues in terms of administration as Members were rarely aware of the number of councillor colleagues who were going to be debarred from consideration of a particular matter by reason of prejudicial interest until it was too late to call a Standards Committee to consider their requests for dispensation.

Resolved that the –

- (1) report be noted;
- (2) Deputy Monitoring Officer advise all councillors of the new powers to deal with dispensations either by way of a briefing to all Members or to the individual political groups.

10. **INDEPENDENT MEMBER RECRUITMENT UPDATE**

The Deputy Monitoring Officer updated Committee on progress with the latest round of recruitment for Independent Members. The Committee was advised that –

- (i) there were currently three Independent Member vacancies on the Committee and two interviews were taking place that afternoon;
- (ii) the interview panel comprised Mr. Pearce, Chair, and Councillors Mrs. Aspinall and Mrs. Stephens;
- (iii) a further interview would need to be arranged following the unavailability of a third candidate;
- (iv) all appointments would be confirmed by City Council.

11. **DATE AND VENUE OF NEXT MEETING**

It was noted that the date and time of the next meeting was 16 September, 2009, at 10.00 a.m. Members were informed that, due to the possible unavailability of the Head of Legal Services or Deputy Monitoring Officer, this date could be subject to change.

12. **EXEMPT BUSINESS**

There were no items of exempt business.

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