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BEST ACHIEVING
COUNCIL OF THE YEAR



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Date: 3 October 2011

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STANDARDS COMMITTEE

Date: Tuesday 11 October 2011

Time: 10 am

Venue: Council House, Armada Way, Plymouth

Committee Members:

Steve Pearce, Chair

Councillors Mrs Aspinall, Drean, Jordan, Lowry and Dr. Mahony.

Independent Members:

Ms Farrell, Mr Williams and Mr Campbell

(two vacancies)

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.

Please note that unless the chair of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Barry Keel
Chief Executive

STANDARDS COMMITTEE

AGENDA

PART I – PUBLIC MEETING

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 6 July 2011.

4. DRAFT MINUTES OF THE WORKING GROUP (Pages 5 - 6)

The Committee will be provided with the draft minutes of the working group.

5. CHAIR'S URGENT BUSINESS

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

6. COSTS OF THE STANDARDS PROCESS

The Committee will be provided with a verbal update on the costs of the Standards process as requested at the last committee meeting.

7. DATE AND VENUE OF NEXT MEETING

For the Committee to note the next Standards Committee will take place at 10am in the Council House on Wednesday 14 December 2011.

8. 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) of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

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

NIL.

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Standards Committee

Wednesday 6 July 2011

PRESENT:

Mr Steve Pearce, in the Chair.

Councillors Mrs Aspinall, Mrs Beer (substitute for Councillor Drean), Evans (substitute for Councillor Lowry), Jordan and Dr Mahony.

Independent Member: Corrine Farrell.

Apologies for absence: Councillors Drean and Lowry and Independent Members Mr Campbell and Mr Williams.

Also in attendance: Tim Howes – Assistant Director for Democracy and Governance.

The meeting started at 10.00 am and finished at 11.20 am.

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.

7. **APPOINTMENT OF CHAIR**

Agreed that Mr Steve Pearce is appointed as the Chair for the forthcoming municipal year 2011/12.

8. **WELCOME**

The Chair extended a warm welcome to the new members of the committee.

9. **DECLARATIONS OF INTEREST**

In accordance with the code of conduct, Councillor Mrs Beer declared a personal and prejudicial interest in minute 12, subject of legal proceedings.

10. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

11. **MINUTES**

Agreed that the minutes of the meeting held on 6 January 2011 are confirmed as a correct record.

12. **APPOINTMENT OF INDEPENDENT MEMBER VACANCIES**

Tim Howes, the Assistant Director for Governance and Democracy advised that the Committee currently had two vacancies for independent members

(the vacancies had not been advertised due to the impending implementation of the Localism Bill). The Committee's opinion was sought on whether it required these vacancies to be filled.

In response to a question raised, the Assistant Director for Governance and Democracy advised that, in his opinion, by the Committee only having four (and not six) independent members, it did not inhibit the Committee's ability to undertake its role.

The Committee sought clarification -

- (a) on the statutory definition of an independent member;
- (b) on the recruitment and dismissal process for independent members;
- (c) on whether the new constitution would need to be amended to reflect any recommendations from this Committee relating to the recruitment/dismissal procedures for independent members.

In response, the Assistant Director for Democracy and Governance advised that –

- (d) an independent member could not be a member or officer of this or any other relevant authority;
- (e) any recommendations to amend the constitution proposed by the Standards Committee would be submitted to the City Council.

Councillors raised concerns regarding a former independent member.

Tim Howes, the Assistant Director for Democracy and Governance strongly advised caution about considering allegations of misconduct outside of the Council's formal processes.

The Committee agreed –

- (1) to set up a working group to review the –
 - recruitment/dismissal/conduct and monitoring procedures for independent members;
 - management of a former independent member, and involve the Chief Executive in this process;
- (2) the findings of the working group are considered at the next Committee meeting on 14 September 2011.

(Councillor Evans recorded his dissent with regard to (e) above).

(Councillor Mrs Beer declared a personal and prejudicial interest and left the room for part of this item).

13. **FUTURE OF STANDARDS**

Tim Howes, Assistant Director for Democracy and Governance provided the committee with an update on the future of the standards regime and the voluntary code.

The Committee was informed –

- (a) the standards regime would be abolished in the near future together with the Standards for England and the First Tier Tribunal which would result in the loss of jurisdiction over councillor conduct;
- (b) the Government aimed to remove the national Code of Conduct for councillors, as well as the requirement to have a standards committee;
- (c) it would be the council's decision whether or not to adopt a local code of conduct or implement a standards committee;
- (d) any standards committee would no longer have the power to suspend a councillor; there would also be a new criminal offence created relating to the failure to register or declare interests;
- (e) the new proposals needed primary legislation and were part of the decentralisation and the Localism Bill which had recently been introduced to Parliament. The current framework for dealing with allegations of breaches of the code of conduct would remain in place until the bill received Royal Assent. The Standards for England advised that this was likely to be late 2011, at the earliest;
- (f) transitional measures would apply to 'pending' appeals; current complaints would be transferred back to the local authority from the Standards for England;
- (g) as previously agreed by the Committee, officers had been instructed to explore the possibility of a voluntary code.

Members discussed the need to reflect on the current standards regime, in terms of what had worked well and what had not, the costs (including both councillors' and staff costs) and the outcomes; it was important to be able to demonstrate that the council took the conduct and behaviour of councillors seriously and that ultimately the process was fair to both parties involved.

In a response to a question raised, the Assistant Director for Democracy and Governance advised that the Association of Council Secretaries and Solicitors (ACSeS) was currently looking at drafting a 'standard' code, although to date no draft had been published (there would be no sanctions contained within the code).

The Committee agreed that the costs incurred in the standards process are provided to the next meeting of the Committee on 14 September 2011.

14. **VOLUNTARY CODE**

This item was taken in conjunction with the item on 'future of standards' minute 13 refers.

15. **UPDATE ON OUTSTANDING COMPLAINTS**

Tim Howes, the Assistant Director for Democracy and Governance advised that there was currently one complaint to consider which related to a former Councillor. Once the report had been finalised, a Standards Sub Committee meeting may be scheduled to hear the complaint.

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

The next scheduled meeting of the Standards Committee was due to take place on 14 September 2011 at 10am in the Council House.

17. **EXEMPT BUSINESS**

There were no items of exempt business.

STANDARDS COMMITTEE WORKING GROUP
22 August 2011

Present: Councillors: Councillor Mary Aspinall and Councillor John Mahoney.
Officers: Tim Howes AD Democracy and Governance and Monitoring Officer, David Shepperd Head of Legal Services and Deputy Monitoring Officer and Linda Torney Deputy Head of Legal Services.

This Working Group was convened at the behest of the Standards Committee meeting held on the 6th July 2011 where it was agreed a Working Group should review:

- (a) The recruitment/dismissal/conduct and monitoring procedures for independent members;
- (b) The management of a former independent member, and involve the Chief Executive in this process*;

The process for the recruitment of independent members was described and a copy of the paperwork associated with the process was circulated to those present at the Working Group meeting. During the discussion it was confirmed that references are requested and that Members undertook the short-listing and appointment process which included an interview for prospective candidates.

No specific concerns or recommendations for change were made in respect of the appointment process.

It was confirmed that the same appointment process was followed for all independent members.

The working group were advised that in accordance with the Local Standards Framework Guide, 'Complaints about the conduct of independent members must be treated in the same way as that of other members.' Therefore for any action to be taken against a member for alleged misconduct there needs to be a complaint setting out how the members conduct has breached the Code.

It was agreed by the working group to make the following recommendations to the Standards Committee:

1. The process for making a complaint about a member's conduct should be made clear to all members.
2. That independent members should be appointed for a fixed period (as at present), but that should be subject to annual review.
3. That the process under 2. above, should be recommended to other committees which appointed independent/co-opted members.

* This preliminary meeting did not include the Chief Executive.

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