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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.