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STANDARDS COMMITTEE

Monday, 25 June 2012

Present:	Councillors	D Roberts	P Williams
		J Salter	T Harney
		L Rowlands	L Fraser
		C Blakeley	RL Abbey
Deputies	Councillors	P Gilchrist	
Independent Members		Ken Harrison (Vice-Chair)	
Apologies		Alex Nuttall Stella Elliott	

26 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

27 NEW STANDARDS REGIME

Further to Minute No. 25, the Committee had regard to the report and supporting appendices it had considered at its last meeting on 16 April 2012 when it had made its recommendations to the Council in relation to:

- Constitution: Article 9 – Terms of Reference of the Standards Committee (and its Panels) to take effect from 1 July 2012.
- Members' Code of Conduct – to take effect from 1 July 2012

These recommendations had been put together by the Standards Committee's Working Party who had worked together on a New Code of Conduct for Members and on arrangements for dealing with complaints against Members. The Standards Committee had agreed them and they had then been endorsed at the Annual Council Meeting on 21 April 2012 (Minute No 14(iv) refers).

The Committee was asked to specifically refer to paragraph 2.16 of the report as follows:

> 'The Standards Committee must now be politically balanced and will not include any Independent Members. Under the Localism Act 2012, the 'Independent Member' has been replaced by the 'Independent Person' who does not sit on the Standards Committee (or any of its Panels). The Council must appoint at least one 'Independent Person'. Unfortunately, the definition in the Act of 'Independent Person' prevents the current Independent Members being appointed to this role.'

Some Members informed that they had misunderstood the paragraph. They believed that politically balanced meant that each Political Group would have the same number of seats on the new Standards Committee and not that seats on the new Committee had to reflect the political make up of the Council and had been allocated on a five Labour, three Conservative and one Liberal Democrat basis.

It was reported that when it had become apparent that the term politically balanced in the report meant politically proportionate some Members had asked that the Working Party be reconvened. It was noted that as there had not been a consensus across the three Political Groups to this request, the Working Party could not be reconvened.

However, one Member was of the view that the request had been "virtually ignored" and that Officers had delayed in seeking a consensus to the request. This was not accepted by the Head of Legal and Member Services.

Some Members raised concerns as they believed that Officers had not provided all of the information and facts available for them to make an informed decision. They said that they had been told that the Council could choose to either have a Standards Committee or not have one and that they had misinterpreted political balance to mean a 3:3:3 basis which was the political makeup of the present Standards Committee.

Some Members informed that they had carried out research of their own and were now aware that the Council could set up a Standards Advisory Committee which the current Independent Members could continue to sit on and chair. They were concerned that Officers had not advised them of this option previously. Reference was made to Newham, Thanet and Manchester who were adopting this approach. If they had been aware of all the options available the arrangements put in place may well have been different and they wanted the Council to reconsider.

The Head of Legal and Member Services informed that it had been necessary to ensure that the new Standards Regime was in place by 1 July 2012. The Council had passed a lawful resolution. The Working Party had carried out a scoping exercise on what it wanted to focus on and arrangements had been worked up on the basis of the agreed scope. The Localism Act did not require a Standards Committee but Members had decided that they wanted to retain a Standards Committee. He set out the legal position and confirmed that the framework of the new Standards Regime was discussed at the first meeting of the Working Party and it had been agreed that the Head of Legal and Member Services would work up the details for discussion at its next meeting.

However, some Members took the view that they had not been given all of the facts. They had not been given the option to waive the political proportionalities of the new Standards Committee and that they had been led down the route that had been taken by Officers. They were aware that the complaints mechanism could have been delegated to the Monitoring Officer. Reference was made to the revised Article 9 of the Council's Constitution, paragraph 9.2(c) - Chairing the Committee which said that:

> 'The committee chairperson shall be determined by the Standards Committee at its first meeting in the Municipal Year.

Some Members queried why the Council had already determined that Councillor B Davies would be the Chair of the Committee, at the Annual Meeting of the Council on 21 May 2012.

The Head of Legal and Member Services confirmed the Committee that the new Standards Committee could elect its own Chair at its first meeting on 3 July 2012, given its Terms of Reference.

In the light of the "ambiguous and various" interpretations of the legislation in the Localism Act 2011, some Members asked if the new arrangements could be revisited. The Head of Legal and Member Services informed that there had been pressures to get the new arrangements in place by 1 July 2012 but that there had always been the intention to review these during the first six months. This was made clear by the Standards Committee on 16 April 2012, particularly given that Regulations were still awaited and further guidance and advice would come out in the coming weeks and months.

Members considered that in the interests of openness and honesty the Standards Committee should have had all the options along with the Officer's commentary on each one, available to them before decisions were made. Also, the point was made that other local authorities had been able to provide this for their Members within the same timescale. Consequently, they had gone down different routes to Wirral. It was considered a great pity because the Working Party had worked very well together and had believed that it had come up with the right way forward, thinking it was better for the Standards Committee to be "politically balanced" rather than "politically proportionate". The result was that there was now the potential for a Council decision which had been based on a misunderstanding.

Other Members dissented from this view informed that they had been aware that politically balanced meant the same as politically proportionate. Representations were also made over the tone of the questioning by Committee Members of Head of Legal and Member Services on this matter.

Some Members reported that they had been very disappointed that the Independent Members could no longer sit or chair Standards Committees and had asked if there was anyway to keep them and been told that there was not. Now the Committee had been informed that the answer was yes, by setting up a Standards Advisory Committee (albeit a non-decision making Committee).

Other Members reminded the Committee that the Council's decision was binding until it decided to change it. If the Committee wished for it to be changed it would need to make representations. It was proposed that those Members who had issues should take them back to the Council. It was known that as new legislation was made it may alter the Standards Regime.

Some Members informed that the problem was that after 1 July 2012 the new Standards Committee would be politically proportionate (5;3:1) and therefore, one party could out vote the others so the decision would be theirs. The Committee would, therefore, be politically led.

On Member referred to the Improving Access to Services Monitoring Form on Pages 50 to 52 of the agenda. Text box 6 referred to sexual orientation and the Member

asked how would knowing someone's sexual orientation improve the Council's Services. The Head of Legal and Member Services agreed to provide the Member with more detail on this.

It was

RESOLVED: (5 for, 0 against with 4 abstentions) **That**

(1) the Standards Committee recognises the importance of maintaining high standards in public office;

(2) the Standards Committee believes that equal representation of political parties on the Committee, as has been the practice for many years, is the fairest way of dealing with complaints and maintaining high standards;

(3) therefore, the Standards Committee recommends to Council that normal proportionality rules, subject to any limitations, should not apply and that the new Standards Committee should be made up of two Labour, two Conservative and two Liberal Democrat Members;

(4) the Standards Committee recommends that there should be a minimum of two and maximum of three Independent Persons without voting rights;

(5) the Standards Committee recommends that the Chairman of the new Standards Committee should be appointed by the largest Political Group on the Council;

(6) the new Standards Committee be requested to look at all other options that may be available and that all Members are given the opportunity to have input to any further changes; and

(7) Members be given further information on the guidance issued by the Government and details of relevant actions taken by other local authorities.

28 **BRIAN CUMMINGS - FORMER CHAIR OF THE STANDARDS COMMITTEE**

The Chair reported that Brian Cummings, the previous Chair of the Committee had been appointed MBE in Queen's Birthday Honours list.

RESOLVED:

That a letter be sent to Mr Cummings on behalf of the Committee congratulating him on his wonderful achievement.

29 **KEN HARRISON - CHAIRMAN**

Members paid tribute to Mr Harrison, who was attending his last meeting, as the new Standards Regime would be in place from 1 July 2012, including a new Standards

Committee. Mr Harrison had provided the Council with lots of assistance and advice over the years, by sitting on the Committee as an Independent Member.

RESOLVED:

That Mr Harrison be thanked for his contributions whilst being a Member and the Chair of the Committee.

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