

Standards Committee

3 December 2001

<u>Present:</u>	Councillor	B Gilfoyle (Chair)	
	Councillor	D E Roberts (Vice-Chair)	
	Councillors	D M Elderton	H G Lloyd
		LC Jones	W W Smith
<u>Deputy:</u>	Councillor	S A Holbrook (for Cllr Mrs F E F Anderson)	
<u>Co-opted</u>			
<u>Members:</u>		Mr P Haywood	
		Mrs V G Robertson	

19. MINUTES

Resolved - That the minutes of the meeting held on 28 March 2001, which were approved by the Council without amendment, be received.

20. ETHICAL FRAMEWORK

The Borough Solicitor and Secretary gave a presentation on the new ethical framework.

The government had proposed a new ethical framework which would provide clearer rules for councillors and officers and put in place a rigorous, impartial mechanism for tackling any infringements. The key features were:-

- Councils would have a lead responsibility for their own standards of conduct and they would have to establish their own Standards Committees.
- All councils would have to adopt a Code of Conduct, based on a national model, which councillors must sign up to.
- A new independent body, the Standards Board, would be set up to investigate written allegations of a councillor failing to observe their council's code.
- If an investigation concluded that there was a case to answer, a separate tribunal would be convened to decide whether the councillor concerned had breached the code or not.
- As with the code for councillors, an Employees Code would be put in place for council staff and would be included in their terms and conditions of employment.

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The Borough Solicitor and Secretary referred to an information booklet on The Ethical Framework which had been prepared for a recent Seminar for Members. She reported that the Code was contained in the booklet, together with an exercise from the seminar workshops comprising a list of questions and answers on alleged breaches of the Code.

She highlighted the following points:-

- Implementation of the Code - The Council was required to adopt the Model Code within 6 months. It was expected that the Standards Board for England would issue more detailed guidance to be reported the next meeting of this Committee.
- Members must give a written undertaking to sign up to the Code.
- General Obligations - A duty to comply with the authority's requirements regarding the use of resources and to have regard to advice from the section 151 Officer and the Monitoring Officer
- The Register of Interests - Members duty to declare an interest as well as register it.
- The replacement of pecuniary and non - pecuniary interests with new personal interests and prejudicial interest and the duty to declare them.
- Gifts and Hospitality - A duty to register gifts and hospitality over £25 and notify the Monitoring Officer.

The Borough Solicitor and Secretary reported that once the Code was adopted all transgressions would be reported to the Standards Board for England. The Standards Board would investigate any alleged breaches themselves or refer the matter back to her as the Council's Monitoring Officer.

She reported that there was a significant new role for the Standards Committee in promoting and maintaining high standards of conduct by:-

- advising the Council on a code of conduct, monitoring its operation and any subsequent revisions;
- assisting members to observe the code;
- providing advice, guidance and training to members on ethical standards issues; and
- considering matters referred to them by the Standards Board.

A member sought clarification concerning the procedure for dealing with alleged breaches of the Code.

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The Borough Solicitor and Secretary advised that the Standards Board would investigate any written allegations of misconduct. If the ethical standards officer (the Standards Board investigator) decided that there was a case, it would be referred to a specially convened tribunal.

A member drew attention to the need for legal advice concerning the interpretation of the Code and suggested that it may also be useful to seek the advice of the Standards Committee.

The Borough Solicitor and Secretary reported that there was a key interface between the Monitoring Officer and the Standards Committee and she agreed to bring quarterly reports to the committee on problems experienced by members in applying the Code.

A member sought advice on the Code and the application of standards over and above the minimum statutory requirements.

The Borough Solicitor and Secretary reported that she was currently researching national trends with a view to reporting to the next meeting on this particular issue. She reported that the adoption of local rules to enhance the statute would be a key decision for the Council to take.

RECOMMENDED - That the report be noted and that the Borough Solicitor and Secretary be requested to give a further update on the issues raised at the next meeting.

21. **STANDARDS COMMITTEE - CONSTITUTION, MEMBERSHIP AND TERMS OF REFERENCE**

The Borough Solicitor and Secretary reported concerning new regulations, effective from 28 August 2001, that affected the composition and membership of Standards Committees. The Committee was asked to indicate, by way of a recommendation to the Cabinet and Council, how it would wish to implement the regulations.

She reported that the Council had established this Committee in advance of the new regulations. The Relevant Authorities (Standards Committee) Regulations 2001 required that Standards Committees with more than three members should include at least 25% of independent members. This Council's Standards Committee, with seven elected and two independent members, was currently below the regulatory threshold and it would be necessary either to co-opt an additional independent member(or members) or to reduce the elected member component.

Four applications had been received for consideration as independent members of this Committee when the position was originally advertised, and two of the four were accepted. If it was decided that an additional member should be sought, a further advertisement and application procedure would be necessary.

RECOMMENDED - That it be a recommendation to the Cabinet and the Council that an additional independent member be appointed to serve on the Standards Committee and that the political composition of the committee be amended accordingly (7elected members in the political ratio:4:2:1 and 3 independent members).

22. **REPORTING OF COMPLAINTS**

Further to minute 17 (28/3/01) the Director of Personnel and Policy submitted a report detailing complaints received via the Council's Corporate Complaints procedure.

RECOMMENDED - That the report be noted.

23. **CODE OF CONDUCT FOR LAYPERSONS**

Mr Haywood highlighted the need for a Code of Conduct for lay members involved in quasi-judicial committees or outside bodies

RECOMMENDED- That the Borough Solicitor and Secretary be requested to report back to this Committee on suggested guidelines for lay members.

