

**STANDARDS COMMITTEE**

**Agenda item 2**

**12 December 2008**

**Present:** Mr Simon Lainé (Chair), Mr Duncan Chittenden, Mr John Cripps, Mr David O'Connor, Mr Jon Leamon  
Parish Councillors Gloria Coleman, Stuart Fowler and Barrie Lewis  
Councillors Les Godwin and David Hall

**Apologies:** Councillor Tina Franklin

**Also in attendance:** Peter Cruden Head of Legal Services  
(Apologies from Peter Lewis, Borough Solicitor and Monitoring Officer)

**(4.00 – 5.40 pm)**

**1. MINUTES**

**RESOLVED that the minutes of the meeting held on 26 September be approved and signed as a true record.**

The chair asked what progress had been made on the flowchart referred to in the minutes. Mr Chittenden reported that one was available in the local guidance. The Head of Legal Services agreed to follow this up and would ask the Borough Solicitor and Monitoring Officer to update the committee at their next meeting.

**\*\* PC/PL**

**2. DECLARATIONS OF INTEREST**

None.

**3. MEMBERS REPORTS ON ATTENDANCES AT COUNCIL, COMMITTEE AND PARISH COUNCIL MEETINGS AND OTHER MEETINGS**

Mr Chittenden reported that he had attended a meeting of the Parish Council of Leckhampton and Warden Hill and had found it to be well-run, informative and democratic.

**4B - Reports On The Standards Board Annual Conference**

Mr Chittenden and Mr O'Connor updated members on their attendance at the recent annual conference and referred to their written reports which had been circulated with the agenda.

The Head of Legal Services gave a verbal update on his impressions of the conference. He observed that the role of the standards committee was still unclear in many authorities, seven years after its inception. He was disappointed that although the new ethical framework had increasingly passed responsibilities to monitoring officers, the Standards Board for England offered no clarity or additional resources to assist in its implementation. He said that the venue had been excellent and the conference well organised but felt that the breakout groups needed more leadership as they had merely served to emphasise the differences in interpretation between authorities.

There had been much discussion at the conference about the role of standards committees and how far they should get involved with other council matters beyond code of conduct issues. The committee were in agreement that their role should be guided by the authority and felt that a major strength of their role was their independence. If they did get involved in some of the areas suggested at the conference e.g officer disputes, this could be compromised. They felt there was a need to maintain their presence and continue to be seen to attend meetings of Council and its committees but were wary of too much publicity. Indeed the Head of Legal Services suggested that too much public advertising of their role could have a negative effect in creating a public perception that the council had significant problems with code of conduct issues. It was suggested that at some point the committee should ask the council to endorse their role and that the Annual Governance Statement should include a statement from the Standards Committee.

**4. UPDATE ON LATEST BULLETINS, CASES AND COMPLAINTS**

The Head of Legal Services referred members to the latest bulletin 41 from the Standards Board of England which had been circulated at the start of the meeting.

The Head of Legal Services advised the committee that since their last meeting a formal complaint had been lodged against a local member and an Initial Assessments sub-committee had been held on 19 November. The complaint alleged that a member had failed to act appropriately regarding a personal and prejudicial interest. The sub-committee had decided to take no further action on the basis that the declaration of a prejudicial interest was not necessary in this case. The meeting had taken 45 minutes.

**5. RESPONSE TO CONSULTATION PAPER ON MEMBERS CODE OF CONDUCT**

The Head of Legal Services introduced the report of the Borough Solicitor and Monitoring Officer which had been circulated with the agenda. The report set out a suggested response by the council to the specific questions posed by the Department for Communities and Local Government in their consultation paper. This sought views on 21 specific issues relating to amendments to the code of members conduct.

After a detailed discussion the committee agreed the response subject to the following minor amendments:-

1.6.3 – should refer to paragraph 8(1)(a)(viii) and not (vii) as set out in the report

1.6.7 – see 1.6.9 re Local Government Act reference

1.6.12 – in the last sentence substitute ‘early’ for ‘earlier’

1.9 – should be ‘two months’ rather than ‘two month’ and check the reference to Section 51 (4B) of the Local Government Act 2000 which did not appear to include the phrase ‘conduct which does constitute a criminal offence’.

Referring to 1.6.5, a member asked whether this council gave each member of copy of their existing register entries in May each year as he thought that the committee had requested the previous Monitoring officer, Quentin Baker to put this in place. The Democratic Services Manager said that following the elections all newly elected members had been asked to complete a Register of Interest. She agreed to check the annual completion with the Borough Solicitor and Monitoring Officer who was responsible for this process.

**\*\* RR/PL \*\***

Referring to 1.9, a member requested clarification on whether a member must adhere to the Members Code of Conduct during the two-month period they had to sign up to it. The Head of Legal Services said that in theory members would not be bound to the code until they had formally signed it. However in practice newly elected members

*To be approved at the next meeting of the Standards Committee on 13 March 2009*

were required to sign an acceptance of office before they could participate in any council meetings and it was current practice that this acceptance of office also incorporated the signing up to the members code of conduct.

**Resolved that the approach set out in part 3 of the report as amended, is adopted and the Borough Solicitor and Monitoring Officer is instructed to make representations to CLG accordingly.**

**6. REVIEW OF PROGRESS AGAINST WORK PLAN**

The work plan circulated with the agenda was updated following discussions. The Democratic Services Manager reported that there was no progress to date on organising the Standards Committee Forum and the funding from the County Member Development Group could not be carried forward beyond this financial year. The Head of Legal Services advised that he had contacted the IDeA and the likely cost of an Ethical Health check would be in the order of £6,300 plus VAT.

**7. DATE OF NEXT MEETING**

The date of the next ordinary meeting of the Committee will be on 13 March 2009.

**8. ANY OTHER BUSINESS**

The chair indicated that he had written to the Standards Board of England asking for clarification on whether a witness of an incident which was subsequently the subject of a complaint to the standards committee could form part of a subcommittee investigating the incident. He was awaiting a response.

A member also asked for clarification on whether a member of the standards committee attending a council meeting should be there purely as a member of the public. He related a recent example where a member of the public had expressed concerns to him regarding the behaviour of members and officers at the meeting. The Head of Legal Services advised that in that situation the member concerned should suggest to the member of the public that if they wanted to take the matter further they should contact the Borough Solicitor and Monitoring Officer who could then decide the appropriate action.,

**Mr Simon Lainé  
CHAIRMAN**