



**NOTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
THURSDAY 25 JULY 2013**

Held at 5.30 pm in Committee Room 1, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

Councillors R A Adair (Chairman), A MacInnes, Mrs M M Males, B A Nicholls

Independent Members: G Norbury, K White, W A Wood

OFFICERS PRESENT:

N Carter	Service Manager - Corporate Governance
P Cox	Senior Solicitor
L Reid Jones	Democratic Services Manager
D Swaine	Executive Manager - Operations & Corporate Governance

APOLOGIES FOR ABSENCE:

Councillor J E Greenwood

1. Declarations of Interest

There were none declared.

2. Notes of the Previous Meeting

The notes of the meeting held on Wednesday 28 November 2012 were accepted as a true record.

In line with the outstanding actions the Executive Manager - Operations and Corporate Governance confirmed that following approval by Council in December 2012 the Councillor Complaints Procedure had been published on the Council's website.

3. New Standards Regime – Update and Review

The Executive Manager - Operations and Corporate Governance introduced Nigel Carter who had recently been appointed as Service Manager for Corporate Governance following the senior management re-structure. He was attending the meeting as an observer to learn more about the work of the Committee and the ethical standards framework.

The Executive Manager - Operations and Corporate Governance presented a report which provided an update on the Council's Standards arrangements previously agreed by Council. These arrangements had been in place since July last year and resulted from changes arising from the Localism Act 2011.

The report highlighted that the previous Standards Committee had put together a Code of Conduct and Councillor Complaints procedure both of

which had been approved by Council. The former Standard committees had also recommended that a revised Standards Committee be retained, taking into account the changes to the legislation. Council had also agreed this recommendation.

When agreeing the new Code of Conduct and Standards Committee Council had requested that both be reviewed after a year in operation. In terms of the Code of Conduct the review should consider if any changes or additions were needed.

The report set out potential issues for the Committee to consider that could be included in a revised code of conduct. These included the extension of the declaration of pecuniary interests (DPI) beyond the Member, their spouse or civil partner or someone they are living with as husband or wife or civil partner. The report also highlighted the possibility for the code and the interests requiring registration to include a Member's membership of any external organisations or groups, beyond those that reflect a 'disclosable pecuniary interest' (DPI).

The Executive Manager - Operations and Corporate Governance reminded the Committee that the new Standards regime had been based on the move towards a light touch approach. He added that at the time of putting together the new arrangements last year there had not been much guidance from Government and the new Code of Conduct had been developed by using parts of the existing Code, the Local Government Association template and illustrative text provided by the Department for Communities and Local Government. He reminded the Committee that there were potential criminal offences in respect of failure to declare a DPI, however if any other 'interests' were added failure to declare these would carry no criminal sanction.

The Executive Manager Operations and Corporate Governance went on to explain that the Code did clearly state that Members should never improperly confer an advantage, or disadvantage on any person or act to gain financial or other material benefits for themselves, their family a friend or close associate. As such it could be argued that the Code did cover other 'interests' beyond those listed as a DPI. He added that this part of the Code made it clear that if a Member felt they had such an interest it was their personal responsibility to make a decision on the level and nature of their involvement in the matter. In such cases Members could always take into account the previous advice under the old code in relation to the 'prejudice' test and how their behaviour and actions could be perceived.

Councillor Adair stated that the new Code of Conduct had been in operation for 12 months and he had not been aware of any difficulties with it. He commented that the aim of new arrangements had been to simplify the process and make it more transparent. He did not believe it was necessary to make any changes.

Councillor MacInnes stated that in his view there was a reliance on Councillors to declare any interests and any further guidance would be helpful. However he recognised the difficulties presented by potentially adding to the list. Members discussed situations where it was appropriate to make a declaration such as at a meeting of a regulatory committee where an application might be

from a family member, for example a sibling or from a friend or close associate. The Executive Manager - Operations and Corporate Governance explained that if such an allegation was made it would be likely that the matter would be referred for investigation. However whatever the findings it would not constitute the criminal offence of failing to declare a DPI as the association between the subject member and the individual were unlikely to fall into the relevant categories.

Councillor Adair informed the Committee that some councils asked specifically if interests were personal or prejudicial at meetings and suggested that this could be considered. The Executive Manager - Operations and Corporate Governance commented that each agenda had an item on declarations of interest, although it did not ask specifically for personal or prejudicial interests. He added that this agenda item provided the opportunity for Members to consider any interests they may have and if necessary take advice and withdraw from the meeting. The item served as a reminder and there had been occasions when Members had declared interests outside the scope of the item and they had also decided not to take part in that section of the meeting.

In relation to close associates Councillor Mrs Males asked what would happen if a Member of the Council submitted a planning application, she asked if members of the Committee have to declare an interest as they knew the Member. The Senior Solicitor explained that each Member would have to make a judgement as to whether they were a close associate or only knew the Member by virtue of them belonging to the same political group. He added that for the business of the DC Committee there were two codes to consider, firstly the Planning Code of Conduct and then the Members Code of Conduct under which declaration of pecuniary interests was a requirement.

The Executive Manager - Operations and Corporate Governance reiterated that Borough Members had on occasions declared interests and left the room even though it was not required under the Code.

Mr Norbury believed that the more complicated the Code became, the more complaints would be received. He reminded the Committee that in small parishes most people know each other and it was therefore important to take care in declaring interests.

Mr Woods concurred and believed in the age of social media and 24 hour news that word got round quickly about any problems or breaches.

In terms of the Committees role and composition The Executive Manager - Operations and Corporate Governance reminded members that Council had asked for these to be reviewed after a year in operation. As such he sought Members' views on the Committee in order to identify if any changes were believed necessary. Following a discussion Members considered that the system was working well and therefore did not require any changes. Therefore they agreed that the committees' role, composition and terms of reference should remain the same.

It was AGREED that:

- a. No changes be made to the Code of Conduct agreed by Council on 21 June 2012;
- b. No changes be made to the composition of the Standards Committee or its terms of reference.

4. **Annual Review - Cases**

The Executive Manager - Operations and Corporate Governance presented a report outlining the number of complaints received since the implementation of the new Standards regime from July 2012. The report set out that eight complaints had been received and all had been dealt with in line with the agreed Councillor Complaints Procedure with the Independent Person being consulted where necessary. Brief details of the complaints were set out in Appendix A of the report.

The Executive Manager - Operations and Corporate Governance informed Members that all cases except one had resulted in a 'no action' decision. One case remained outstanding. He added that a number of the complaints related to one particular parish council which appeared to reflect a series of disagreements between individuals or small groups of people. He added that in cases of this nature it was important to ensure that the Councillor Complaints Procedure was used for the correct purposes.

In response to a question from Councillor MacInnes the Executive Manager - Operations and Corporate Governance explained that the agreed procedure stated that the subject member may be contacted when a complaint was made, particularly if further information is needed. However in most cases a judgement was made and the advice of the Independent person would help with this. Commenting further the Executive Manager - Operations and Corporate Governance explained that each case was different and the circumstances often dictated how the matter was resolved. However consideration was always given when complaints were submitted to the potential methods for informally resolving the matter.

Mr Norbury commented that in his view a series of complaints regarding one parish council was indicative of wider underlying issues. He believed in extreme cases this could indicate a 'dysfunctional' organisation where other more comprehensive methods of resolution were needed rather than using the complaints procedure to reconcile deep seated disputes. In response the Executive Manager - Operations and Corporate Governance stated this highlighted the need to take a sensitive and pragmatic approach to dealing with complaints about Councillors.

Mr Woods considered it important that the Monitoring Officer had the ability to judge situations, and had the trust of the Committee. The Executive Manager - Operations and Corporate Governance explained that he had made clear in many cases that he was not the referee and would not adjudicate in personality differences or disagreements. He had re-iterated that his role was to ensure complaints about potential breaches of the Code of Conduct were dealt with in line with Councils published procedure.

In conclusion Councillor Mrs Males suggested that further training for Committee members be provided to assist them in their role, particularly now the new system had been in place for just over a year. The Committee believed that the first part of its next meeting could be used to facilitate a short refresher training session and asked that this be arranged to take place around November.

It was AGREED that:

- a. the report be noted; and
- b. training be undertaken at the next meeting of the Committee in three months.

5. **Independent Person**

The Executive Manager - Operations and Corporate Governance informed the Committee that the Independent Person, Hazel Salisbury, had resigned recently and that the position would now be advertised. The Committee asked that arrangements should be made to provide an interim Independent Person, perhaps by using one from a neighbouring Council, until the formal recruitment of a replacement had taken place.

The meeting closed at 6.20 pm.

Action Sheet
STANDARDS COMMITTEE - THURSDAY 25 JULY 2013

Minute Number	Actions	Officer Responsible
4	Training be arranged for the next Standards Committee	Executive Manager - Operations and Corporate Governance
5	Independent Person be recruited	Executive Manager - Operations and Corporate Governance
5	Interim arrangement for an Independent Person be put in place	Executive Manager - Operations and Corporate Governance