

Minutes of the meeting of the **STANDARDS** Committee held at the Council Offices, Whitfield on Wednesday 9 March 2011 at 10.00 am.

Present:

Chairman: Mr A M Hayes

Councillors: B W Butcher
L A Keen
S M Le Chevalier
K Mills
I H Ward

Independent Members: Mr K C Atkinson
Mr B P S Dowley
Mr G J Fowler

Town and Parish Council
Representatives: Mr B A C Curtis
Mr I Martin

Officers: Director of Governance
Professional Standards Officer
Democratic Support Officer

480 MINUTES

The Minutes of the meeting of the Committee held on 8 December 2010 were approved as a correct record and signed by the Chairman.

481 NOMINATIONS FOR CHAIRMAN AND VICE-CHAIRMAN FOR 2011/12

The Committee was advised that the matter of nominations for Chairman and Vice-Chairman of the Committee required consideration.

RESOLVED: That it be recommended to Council that Mr A M Hayes and Mr G J Fowler be appointed Chairman and Vice-Chairman of the Standards Committee respectively for the Council year 2011/12.

482 COMPLAINTS REPORT

The Committee received the report of the Director of Governance on complaints received by the Council that had been processed through the Professional Standards Unit.

The Committee was advised that seven complaints had been closed since the last meeting. A further four complaints had been closed by the Local Government Ombudsman (LGO), who had found no evidence of maladministration in two cases. The LGO had ruled on one case that the Council should pay compensation of £100 for its error, and on the other that it was not for the LGO to reinvestigate matters which had been before a court. There was one outstanding complaint which was under investigation by the Council's Governance Investigator.

The Professional Standards Officer (PSO) reported that there had been a slight reduction in the number of complaints received in comparison to the same period in

the preceding two years. The PSO had recently assumed other responsibilities and efforts were therefore being made with managers to resolve more complaints within departments. In response to concerns raised by Councillor L A Keen regarding works required to a council property, the PSO advised that several officers had inspected the property and, although it was acknowledged that there was a structural problem, it was concluded that the works could wait until a contractor had been appointed and funding was available.

RESOLVED: That the report be noted and the actions taken endorsed.

483 MINUTES OF STANDARDS HEARING SUB-COMMITTEE

The Committee received the Minutes of the Standards Hearing Sub-Committee meeting held on 27 January 2011.

RESOLVED: That the Minutes of the Standards Hearing Sub-Committee meeting held on 27 January 2011 be received.

484 FUTURE OF THE STANDARDS REGIME

The Committee considered the report of the Director of Governance which outlined the Government's proposed changes to abolish the Standards Board regime through the Localism Bill, and posed various questions in relation to the operation of a new regime. The Committee was advised that it would be premature for the Council to make any firm proposals at this juncture, given that there would be local elections in May, and that the Bill's passage through the committee stage might result in further changes being made before it was laid before Parliament in December 2011.

The Director of Governance confirmed that the proposals would end the Council's responsibility for overseeing the conduct of town and parish council members, allegations against whom constituted the majority of complaints received. Even if a standards code and committee were retained, the committee would have limited powers of censure. Moreover, if established under the Local Government Act 1972, independent members of the committee would not enjoy voting rights. It was true that district members failing to declare interests could face a criminal prosecution, but it was likely that only the most serious cases would go to court.

Members of the Committee expressed concerns over the apparent exclusion of independent members from the new regime, viewing it as a retrograde step, and agreed that options might be explored in relation to the chairmanship of the Governance Committee. Members were also concerned that the new regime, such as it was, would be more open to abuse. There was consensus that, whether the Standards Committee was abolished or not, Officers should continue to produce a complaints report.

RESOLVED: (a) That the ongoing developments via the Localism Bill be acknowledged.

(b) That the Standards Committee considers its recommendation to Council once there is clarity over the new regime, probably in the autumn.

485 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involves the likely disclosure of exempt information as defined in paragraph 7C of Part 1 of Schedule 12A of the Act.

486 MINUTES OF STANDARDS REVIEW SUB-COMMITTEE

The Committee received the Minutes of the Standards Review Sub-Committee meeting held in private on 27 October 2010. It was clarified that it was not the role of a sub-committee to gather evidence or investigate a breach of the Member Code of Conduct, but simply to evaluate the facts presented to it.

RESOLVED: That the Minutes of the Standards Review Sub-Committee meeting held on 27 October 2010 be received.

The meeting ended at 10.35 am.