

STANDARDS

Monday 19 March 2012

Present:- Mr D Burns – in the Chair

Councillors Mrs Burke, Cairns and Tagg J H

Also in attendance: Mr G L E Locke – Staffs Parish Council Association
Mr W Murray – Staffs Parish Council Association
Mr T Sproston – Audley Parish Council
Mr G Sedgley – Loggerheads Parish Council
Mr J Vallings – Loggerheads Parish Council
Mr M Rowley – Madeley Parish Council
Mrs J Rowley – Madeley Parish Council

Apologies for absence were received from Councillors Mrs Hambleton and J Taylor and Mr D Wood.

1. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the meeting held on 11 July 2011 be approved as a correct record.

2. DECLARATIONS OF INTEREST

There were none.

3. THE LOCALISM ACT 2011 - THE AMENDED STANDARDS REGIME

Consideration was given to a detailed report setting out the fundamental changes made by the Localism Act 2011 to the system of regulating the standards of conduct expected from elected and co-opted members.

The report described the changes and made recommendations relating to the actions now required by the Council to consider the appointment of a new constituted Standards Committee and to adopt a new Code of Conduct to comply with the relevant provisions of the Act.

It was indicated that the Council remained under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members and that it was for the Council to decide what procedures it wished to put in place to ensure that this duty was met including what to include in a new code of conduct.

The report also dealt with the appointment and role of independent members, the Register of Members' Interests, single member decisions, sensitive interests and the grant of dispensations.

Resolved:- (a) That the Borough Council establish a joint Standards Committee comprising 8 elected members of the Council and 3 Parish Councillors and that the Committee be not appointed proportionally.

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(b) That in addition, the Leader of the Council be requested to nominate to the Standards Committee only one member who is a member of the Executive.

(c) That the Parish Councils through the Staffordshire Parish Councils Association be invited to nominate a maximum of 3 Parish Councillors to be co-opted as non-voting members of the Committee.

(d) That the Monitoring Officer be requested to prepare and present a draft Code of Conduct to Council for adoption.

The draft Code should:

- (i) equate to Paragraphs 3 to 7 of the current Code of Conduct applied to Member conduct in the capacity of an elected or co-opted Member of the Council or its Committees and Sub-Committees; and
- (ii) require registration and disclosure of interests which would today constitute personal and/or prejudicial interests, but only require withdrawal as required by the Act in relation to Disclosure Pecuniary Interests (DPIs)

(e) That, when the DPI regulations are published, the Monitoring Officer, after consultation with the Chair of Standards Committee and the Leader of the Council, will add to that draft Code provisions which he considers to be appropriate for the registration and disclosure of interest other than DPIs.

(f) That the Monitoring Officer be instructed to prepare and submit to Council for approval "arrangements" as follows:

- (i) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct.
- (ii) That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. He should be instructed to seek resolution of complaints without formal investigation wherever practicable, and be given discretion to refer decisions on investigation to the Standards Committee where he feels it is inappropriate for him to take the decision, and to report quarterly to Standards Committee on the discharge of this function.
- (iii) Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, the Independent Person and the Member concerned, and reporting the findings to the Standards Committee for information.
- (iv) Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, the Monitoring Officer should report the investigation findings to a Hearings Panel of the Standards Committee for local hearing.

(v) That Council delegate to Hearings Panels such of its powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:-

- Reporting its findings to Council (or to the Parish Council) for information.
- Recommending to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.
- Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
- Instructing the Monitoring Officer to (or recommend that the parish Council) arrange training for the Member.
- Removing (or recommend to the parish Council that the Member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council).
- Withdrawing (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access.
- Excluding (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

(g) That a meeting be arranged between the current Chair of Standards Committee and the Council political group leaders and existing representatives of Parish Councils to discuss how the new system can best operate.

(h) That the Monitoring Officer, in consultation with the Chair of Standards Committee and the Leader of the Council, and with the advice of the Head of HR, be authorised to set the initial allowances and expenses for the Independent Person and any reserve Independent Persons, and this function to subsequently be delegated to the Standards Committee.

(i) That the Monitoring Officer advertises a vacancy of the appointment of one Independent Person and 2 reserve Independent Persons.

(j) That a committee comprising the Chair and three other members of Standards Committee be set up to shortlist and interview candidates and to make a recommendation to Council for appointment.

(k) That the Monitoring Officer prepare and maintain a new Register of Members' Interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and to ensure that it is available for inspection as required by the Act.

(l) That the Monitoring Officer ensures that all Members are informed of their duty to register interests.

(m) That the Monitoring Officer prepare and maintain new Registers of Members' interests for each Parish Council in order to comply with the

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Act and any Code of Conduct adopted by each parish Council and to ensure that they are available for inspection as required by the Act.

(n) That the Monitoring Officer arrange through the Staffordshire Parish Councils to inform and if necessary train Parish Clerks on the new registration arrangements.

(o) That the Monitoring Officer be requested to recommend to Council a Standing Order which equates to the current Code of Conduct requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he/she is permitted to remain as a result of the grant of a dispensation.

(p) That the Council delegate the power to grant dispensations:

- (i) on Grounds set out in paragraphs 11.1.1 and 11.3.4 of the officer's report to the Monitoring Officer with an appeal to Standards Committee; and
- (ii) on Grounds 11.3.2, 11.3.3 and 11.3.5 of the officer's report to the Standards Committee, after consultation with the Independent Person.

MR D BURNS
Chair