

STANDARDS COMMITTEE

Monday, 7th January, 2013

Present:- Councillor Terry Turner – in the Chair

Councillors Cairns, Cooper and Taylor.J

Mrs Wenslie Naylor representing Keele Parish Council

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Heesom and Mrs Hambleton and Mr D Wood (Independent Member)

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE PREVIOUS MEETING

Resolved: That the minutes of this Committee held on 1 October 2012 be approved as a correct record and the actions taken by the Monitoring Officer regarding the completion of disclosure of pecuniary interest forms by Members and Code of Conduct Flow Chart be noted.

4. ROLE OF THE INDEPENDENT MEMBER

Consideration was given to a report containing a job description that set out the role of Independent Members appointed under Section 28(7) of the Localism Act 2011.

The Committee was advised that Mr D Wood had confirmed his willingness to continue to serve as an Independent Member and of the intention to advertise for a second person to act in this capacity to provide back-up when Mr Wood was not available for consultation.

Although the Independent Member would not be a member of the committee when it considered complaints made against Borough or Parish Councillors it was indicated that he would, if required, by the Councillor complained against advise on the process to be followed in dealing with the particular complaint.

He would also be consulted by the Monitoring Officer on complaints received and asked to give a view on whether a particular complaint warranted investigation as a breach of the adopted Code of Conduct. If an investigation is considered appropriate he would then be consulted on the findings of the investigation and asked whether, in his opinion, the matter should be referred to the Standards Committee or dealt with informally for example, if acceptable to the complainant, the Councillor concerned might be asked to make an apology for his/her actions leading to the complaint being made.

The Committee agreed that each stage of the process and timescale to be followed when dealing with complaints should be set out very clearly on an information sheet and made available to all Councillors and Parish Clerks. The information should also

provide details of the respective roles in the process of the Monitoring Officer, Independent Member and Standards Committee when processing complaints.

In conclusion the Monitoring Officer summarised the position with regards to complaints made alleging breaches of the Code of Conduct and confirmed that a more detailed report would be submitted to the next meeting.

Resolved: (a) That the information be received.

(b) That the Monitoring Officer drafts a procedural note/flowchart as indicated above for approval by this Committee before it is made available to Borough Councillors, Parish Clerks and put on display for the general public to see.

5. **DISPENSATIONS**

Consideration was given to a report advising of requests for Borough Councillors to be granted a dispensation in accordance with the provisions of the Localism Act 2011 to enable them to deal with the following matters:-

- (i) Allowance, payment or indemnity to Members.
- (ii) Ceremonial honours given to Members.
- (iii) Setting Council Tax or a precept under the Local Government Finance Act 1992, as amended from time to time, or any superseding legislation.
- (iv) Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions for the purposes of the Local Government Finance Act 2012, as amended from time to time, and any superseding legislation.
- (v) Council Tax Local Benefit Scheme(if found to be necessary).

It was indicated that dispensations may be granted if, having regard to all relevant circumstances, the Committee considered that:-

- (i) without the dispensation, the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
- (ii) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- (iii) granting the dispensation was in the interests of persons living in the authority's area.
- (iii) without the dispensation each member of the Authority's Executive would be prohibited from participating in any particular business to be transacted by the authority's Executive or
- (iv) that it is otherwise appropriate to grant a dispensation.

The Committee was advised that if granted, a dispensation must specify the period for which it has effect, and that must not exceed 4 years. On the assumption that the Committee granted the dispensation then all current Members would be covered by it.

Resolved: That dispensations be granted for a period terminating with the next Borough Council elections for each Member granted a dispensation.

6. GOVERNMENT GUIDANCE ON OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS

Following on from the discussion at the last meeting the Committee was, in the interests of maintaining high standards of conduct and to comply with the Localism Act 2011, was recommended to adopt the flowchart drafted to help Members to decide whether they needed to disclose interests in a particular matter.

Resolved: (a) That the flowchart referred to above be approved as drafted.

(b) That the Committees earlier resolution to offer training to Parish Councils on the Code of Conduct be re-affirmed.

7. THE QUALITY TOWN AND PARISH COUNCIL SCHEME

The Committee considered a report providing details of the Quality Parish and Town Council Scheme that was launched in 2003 following the Government's Rural White Paper, 2000. The aim of the Scheme was to provide benchmark minimum standards for rural and town councils.

It was indicated that to achieve Quality Status, parish and town councils were required to demonstrate that they had reached the required standards in a wide range of areas as outlined in an appendix to the officer's report.

The Scheme was currently under review during which time transitional arrangements had been put in place

An application form and a frequently asked questions document were appended to the officer's report.

Members were advised that the Borough Council, under Section 28 of the Localism Act 2011, had in place arrangements to deal with complaints against Parish Councillors and to recommend actions to them.

Accordingly, in the interests of promoting and maintaining high standards of conduct and to comply with the Localism Act it was agreed that Parish Councils should be encouraged to seek Quality Parish Council Accreditation.

Resolved: That the Monitoring Officer submits a report to a subsequent meeting outlining how this matter can be taken forward possibly involving the Parish Councils Association.

COUNCILLOR TERRY TURNER
Chair