

STANDARDS COMMITTEE AND STANDARDS COMMITTEE HEARING PANEL

MINUTES OF THE MEETING HELD ON MONDAY, 24 JANUARY 2011

Councillors Present: John Bingham (Vice-Chairman), Tom Bune, Crissy Clemson, Adrian Edwards, Peter Iveson, Gwen Mason, James Rees (Chairman), Tony Renouf, Andrew Rowles, Stephanie Steevenson and Mike Wall

Also Present: Andy Day (Head of Policy and Communication), Moira Fraser (Democratic Services Manager)

Apologies for inability to attend the meeting: Councillor David Holtby, Councillor Mollie Lock and Councillor Julian Swift-Hook

Councillor(s) Absent:

PART I

8. Minutes

The Minutes of the meeting held on 21 June 2010 were approved as a true and correct record and signed by the Chairman.

9. Declarations of Interest

There were no declarations of interest received.

10. Review of Work Undertaken in 2010

The Committee considered a report (Agenda Item 4) concerning the work undertaken by the Committee and the various Sub-Committees in the 2010 calendar year.

Moira Fraser reported that the Assessment Sub-Committee had considered 11 complaints during the 2010 calendar year. Eight of these complaints related to Parish Councillors and three to District Councillors. Seven of the eleven complaints were referred for further investigation by the initial assessment sub-committee. In the case of five of the matters referred for investigation the independent investigator found no breach of the Code of Conduct and the Consideration and Hearing Panel concurred with these findings. Two cases were then referred to a Hearing Panel and both the Parish Councillors were found to have breached the Code of Conduct.

In the case of two of the original eleven complaints received the Assessment Sub-Committee decided to take some other action and in a further two instances they felt that no further action should be taken at all. The complainant in one of these cases has asked for the decision to be reviewed. The Review Sub-Committee will meet in February 2011.

The Chairman and Moira Fraser thanked the Standards Committee for the hard work that they had put in during the previous year.

The Chairman, James Rees, also noted that one of the complaints that was submitted in 2009 was the subject of a Hearing which took place in May 2010. The subject member was found, by the Hearing Panel, to have breached the Code of Conduct. The subject member then decided to appeal the decision and this complaint was then considered afresh by a Tribunal. The Tribunal overturned the Hearing Panel's decision and found that the subject member had not breached the Code of Conduct.

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Mr Rees felt that it would be useful for the Standards Committee to understand some of the significant differences between the Hearing Panel and the Tribunal. These are set out in the table below.

| Hearing Panel | Tribunal |
|--|--|
| Administered as a Committee of the Council (not conducted as a court of law) | Legal Body |
| Evidence Given on Trust | Evidence Given Under Oath |
| Decision based on probability | Decision based on proving case beyond reasonable doubt |
| Free to call witnesses | Number of witnesses restricted by Tribunal – new witnesses heard at the Tribunal |

The Standards Committee thanked the Chairman for his feedback. It was agreed that in future proceedings it might be necessary to more closely align the two processes. It was also agreed that some additional training be provided to the Committee in respect of examination techniques.

Action(s)

- **The update was noted.**
- **Officers to arrange a training session for the Standards Committee on cross examination techniques.**

11. Update on the Localism Bill

The Committee were provided with an update on the timetable and possible implications of the Introduction of the Localism Bill.

Andy Day reported to the Committee that the Localism Bill had been published on the 13 December 2010. It contained 207 clauses, 24 schedules and 142 powers for the Secretary of State to make. The document was expected to receive Royal Assent in November 2011 and the Implementation date was likely to be in April 2012. The Localism Bill was an all encompassing document and the issue of standards was only one element of it.

No new complaints could be accepted after the appointed day which was likely to be some time in April 2012. Authorities would then have two months to resolve any outstanding complaints. It was noted that this timescale would be very difficult to achieve. No appeals would be permitted in respect of these complaints. The Bill did not however explain what would happen in the case of existing disqualifications and suspensions which over ran the Appointed Day.

The current iteration stated that the Council would continue to have a duty to maintain high standards of conduct. However the requirement to have Standards Committees would be abolished, as would the need to sign up to a code and the general principle element. The Council would be able to have a voluntary code but would not have any authority under which sanctions could be imposed (even if a list of sanctions (including reprimand, withdrawal of facilities and removal from the Executive or Committee) was agreed). In addition Standards for England would also be abolished. Authorities would be able to adopt non-statutory codes and protocols in respect of Officer Member relations, use of IT, Planning and Lobbying and Gifts and Hospitality.

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The published version of the Localism Bill no longer contained the previously purported 'electoral recall' whereby residents could ask for a by-election where a ward member was not behaving appropriately.

Andy also highlighted that the District Council would no longer have jurisdiction over the Parish Councils once the Bill was introduced.

Amendments were likely to be made in respect of the register of interests although the Bill still lacked clarity on a number of issues. Failures to declare interests etc would no longer fall within the remit of the Standards Committee but would instead become a criminal offence. Convictions could attract fines of up to £5k or a disqualification of up to five years and prosecution would be done by the DPP within 12 months of discovery of evidence but no later than three years after commission of the offence.

The Standards Committee thanked Andy for the useful presentation and requested that it should be delivered to all Members by Andy and James Rees.

Action(s)

- **The presentation was noted.**
- **Presentation on the Standards element of the Localism Bill to be delivered to all District Councillors by Andy Day and James Rees**

(The meeting commenced at 5.00pm and closed at 6.15pm)

CHAIRMAN

Date of Signature