

STANDARDS COMMITTEE

MONDAY, 11 JUNE 2012

PRESENT:- Mr Keith Carby (Chair), Mr Trevor Davies (Vice-Chair), Mr Paul Morris, Mr Mike Compton, Mr Gerry Eyles, Mr Richard Hailstone, Councillor Rex Barnett, Councillor Mary Friend, Councillor Fay Howard, Councillor Richard Hurley, Councillor Teresa Page and Councillor David Wood.

Apologies for absence were received from Mr David Dawson.

1. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

2. Minutes

Resolved – That the minutes of the meeting held on 26th March 2012, be confirmed and signed as a correct record.

3. Public Question Time

No public questions were received during the meeting.

4. Exempt Items - Exclusion of Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below on the grounds that they involve the likely disclosure of exempt information as defined in the respective paragraphs of Part 1 of Schedule 12A of the Act.

<u>Item No.</u>	<u>Paragraph No.</u>	<u>Minute No.</u>
8	1, 2	7

5. Annual Work Programme

The Committee considered a report of the Director of Law and Democratic Services (Monitoring Officer) asking the Committee to its Work Programme for 2012/2013.

Resolved – That the Committee's Work Programme for 2012/2013 be approved.

6. Localism Act 2011 - Standards Framework

The Committee considered a report from the Director of Law and Democratic

Services (Monitoring Officer) recommending the adoption of a new Members Code of Conduct and procedure for investigating and hearing complaints to come into operation when the statutory Standards Framework ceases to have effect under the Regulations to the Localism Act.

The Director of Law and Democratic Services advised on the Pecuniary Interest Regulations and the Local Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 which had been issued by the Government on 8th June 2012.

The Committee noted the options before the Council in relation to the Code of Conduct and Standards Framework. It was agreed that the Code as appended to the report was in line with discussions with the Standards Committee, Parish Councils and the Corporate Government Working Party to keep the Code as close to the current one as possible. The Committee recommended one change, which was to the increase in the value of gifts or hospitality to be declared by Members from £25 to £50. The Director of Law and Democratic Services advised that he would provide additional information in the report to Council as to the nature of declarable pecuniary interests under the Regulations, and for which failure to declare made Members liable to prosecution, and the nature of the sanctions available to the courts. The Director of Law and Democratic Services would be offering training to Councillors.

It was noted that Town and Parish Councils were also required to adopt a Code of Conduct by 1 July 2012, and it was not yet known whether those in Swindon would adopt the same Code as the Council or adopt that recommended by the National Association of Local Councils. It was agreed that the Director of Law and Democratic Services would also offer training to Town and Parish Councils on the Code and new framework.

The Committee approved the governance arrangements suggested as to the consideration of complaints under the Code of Conduct, for the appointment of two independent persons, and for the composition and work of the Standards Committee.

Resolved that –

It be recommended to Council that -

- 1) The revised Members Code of Conduct set out at Appendix '4' to the report be adopted to come into operation on 1st July 2012, subject to the amendment of 8(1) (viii) to set the value of gift or hospitality to be declared as £50.
- 2) The Director of Law and Democratic Services be authorised to make any further technical amendments to the Code which may be necessary as a result of any statutory requirements introduced following the adoption of the revised Code.
- 3) The arrangements for consideration, investigation and hearing of complaints under the revised Members Code of Conduct be adopted as set out below:
 - The Code of Conduct Complaint Form (Appendix '5' to the Report)
 - Procedure for dealing with Complaints (Appendix '6' to the Report)
- 4) The current statutory Standards Committee be dissolved on 30th June 2012, and

a new Standards Committee be appointed with effect from 1st July 2012.

- 5) Article 9 of the Council's Constitution be amended as set out in Appendix '8' and that the Standards Committee be authorised to grant dispensations under section 33 of the Localism Act 2011.
- 6) At least one Independent Person be appointed to that statutory role, with each Independent Person to hold office from 1st July 2012 until the date of the Annual Council meeting in 2013 (17th May 2013), with an option to extend for a further period until the date of the Annual Council meeting in 2014, subject to the agreement of the Council and the Independent Person.
- 7) It be noted that Standing Orders were amended at Annual Council on 18th May 2012 to require those declaring personal and prejudicial, or disclosable pecuniary interests, to declare that interest and leave the room during the discussion of the relevant item unless a dispensation to stay has been obtained.
- 8) The Director of Law and Democratic Services be authorised to amend Part 4 of the Council's Constitution (Access to Information Procedure Rule) Section 10, 'Meaning of Exempt Information', by deleting paragraphs 8, 9 and 10 and amending other wording accordingly.
- 9) The Director of Law and Democratic Services be requested to provide appropriate training for Borough Councillors on the revised Code, and to offer similar training to Town and Parish Councils.
- 10) The Director of Law and Democratic Services Officer be authorised to amend the Council's Constitution to take into account any further amendments required as a result of the Localism Act 2011 and its associated Regulations.

7. Ethical Compliance Report

The Committee considered an exempt report from the Director of Law and Democratic Services (Monitoring Officer) regarding the outcome of various ethical framework compliance matters, including the receipt and progress of Whistleblowing Complaints since the last meeting and an update on the progress of complaints relating to breaches of the Protocol of Member/ Officer Relations and the Members Code of Conduct.

Resolved – 1) That the report be noted.

8. Vote of Thanks

As this was the last meeting of the statutory Standards Committee, Councillor David Wood proposed a vote of thanks to the Independent Members and Town Parish Council representatives for their work on the Committee over many years. In particular he thanked Keith Carby who had been the Chair of the Standards Committee continuously since its inaugural meeting in 2000, and Trevor Davies who had been the Vice-Chair for most of that period, for their length of public service.

The Chair, Mr Keith Carby, advised that this was his last meeting as he was not seeking to continue as a non-voting co-opted member of the Committee, and

thanked all his fellow Independent Members, in particular Mr Trevor Davies who had served with him as Vice-Chair for many years, and the Parish Representatives, Councillors and Officers for their work and support on the Committee.

Resolved – That the Independent Members and Parish Council representatives be thanked for their work on the statutory Standards Committee.