

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

STANDARDS COMMITTEE

**Minutes of a Meeting of the Standards Committee held on
Thursday 9 February 2012 at 10.30 am, in Meeting Rooms 1 and 2,
King's Court, Chapel Street, King's Lynn**

PRESENT:

Mr M Sale (Chairman - Independent Member),
Mr J Dawson (Parish Representative), Mr E Langford (Parish Representative),
Mr D Shepperson (Parish Representative), Mr R Steward (Independent Member),
Councillors B Ayres, R Bird (*arrived at 10.58 am*) and D Harwood
Nicola Leader (Legal Services Manager/Monitoring Officer)
Wendy Vincent (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr G Brierley, Councillors D Johnson and G Wareham.

2 MINUTES

The Minutes of the following meetings were agreed as a correct record and signed by the Chairman.

Full Standards Committee

16 November 2011

Standards Committee – Local Assessment Sub-Committee

1 November 2011 (Complaints 06/11, 12/11, 13/11 and 14/11)
(Sub-Committee: Mr M Sale, Mr R Steward, Mr D Shepperson)

16 November 2011 (Complaint 15/11)
(Sub-Committee: Mr R Steward, Mr J Dawson, Mr D Shepperson)

12 December 2011 (Complaints 16/11 and 17/11)
(Sub-Committee: Mr M Sale, Mr R Steward, Mr D Shepperson)

Standards Committee – Review Sub-Committee

16 January 2012 (Complaint 10/11)
(Sub-Committee: Mr G Brierley, Councillor G Wareham, Mr J Dawson).

3 DECLARATIONS OF INTEREST

There were none.

4 NEW STANDARDS REGIME

The Monitoring Officer presented a report which advised and updated the Committee on the changes to the standards regime introduced by the Localism Act 2011.

Members were reminded that the Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for Councillors and co-opted Members at Parish and Borough level. The date for implementation of those changes was proposed to be 1 April 2012, but this implementation had now been delayed until 1 July 2012.

The Monitoring Officer outlined the areas which addressed key elements of the new law as set out below:

- Duty to promote and maintain high standards of conduct.
- Standards Committee – there would no longer be a requirement for a Standards Committee. If the Council decided to have a Standards Committee the composition of the Committee would be governed by proportionality and the present restriction to only one Member of the Executive on the Standards Committee would cease to apply and the current co-opted independent member would cease to hold office.
- Code of Conduct – Members would no longer have to give an undertaking to comply with the Code of Conduct. However, the Council would be required to adopt a new Code of Conduct governing Councillor and co-opted members' conduct when acting in that capacity.
- Interests – the Act abolished personal and prejudicial interests. Instead, regulations would define 'Disclosable Pecuniary Interests' (DPs). At present it was not known what DPI would comprise, but they were likely to be broadly equivalent to the current prejudicial interests.
- Sensitive Interests.
- Dispensations.
- Dealing with Misconduct Complaints – Arrangements, Sanctions, Appeals, Independent Person(s).
- Transitional Arrangements.
- Adopting a Norfolk-wide approach.

Members were invited to note and comment on the report, a summary of which is set out below.

Mr Langford referred to section 1.5 Interests – There was no continuing requirement for a Member to keep the register up to date, except on re-election or re-appointment, but it was likely that Members would register

new interests from time to time, as this would avoid the need for disclosure in meetings and enquired if the Standards Committee could put forward a recommendation to Council that Members were required to update the register if there was a change in circumstances and not just at re-election or upon re-appointment. In response the Monitoring Officer advised that the Standards Committee could put forward a recommendation reflecting the above comments.

The Monitoring Officer explained that recently the Norfolk Leaders' Group had agreed to adopt a countywide approach and a meeting of the Norfolk Monitoring Officers would be convened to discuss and agree a common Code. The Standards Committee was invited to put forward any suggestions to be discussed and considered at the Norfolk Monitoring Officers' meeting. It was highlighted that the proposed countywide system would require approval by Full Council.

Following comments made on Disclosable Pecuniary Interests (DPIs), the Monitoring Officer explained that the intention was to simplify the registration requirement, but in fact the Act extended the requirement for registration to cover not just the Member's own interests, but also those of the Member's spouse or civil partner, or someone living with the Member in a similar capacity. Further information was awaited as to whether there was a requirement for the Member to withdraw from the meeting if a DPI was declared.

Mr Langford asked if applications received for dispensations would be subject to a Freedom of Information (FOI) request. The Monitoring Officer explained that all applications would be subject to an FOI request unless it was considered to be categorised as exempt. The Committee was advised that the provisions on dispensations were significantly changed by the Localism Act. The Localism Act gave discretion for this power to be delegated to a Committee or Sub-Committee, or to the Monitoring Officer. The Council would therefore need to deal with this in due course.

The Monitoring Officer explained that the same mechanism would be adopted for dealing with applications for dispensation received from both Town and Parish Councils.

The Chairman commented that better definition was required for supporting dispensations and explained that as far as he was aware no applications for dispensations had been received within the current regime. However, in the future there would be a need for a mechanism to be established to deal with such situations as they were presented.

Mr Dawson asked if a DPI was considered to be breached, how would it be enforced. The Monitoring Officer explained that any such breach should be reported directly to the Police.

Mr Langford commented that the Borough Council did not currently have a policy for dealing with vexatious complaints. The Monitoring Officer advised

that the Borough Council did have a policy in place when dealing with corporate complaints containing a vexatious element, but not in relation to dealing with complaints relating to Councillors. Mr Langford asked if this could be included in the proposed countywide system. The Monitoring Officer commented that this could be raised at the Norfolk Monitoring Officers' meeting should the Committee wish her to do so.

In response, the Chairman advised that within the current regime there was clear guidance available for Local Assessment Sub-Committee when considering vexatious complaints.

Mr Langford commented that he found it surprising that there was no requirement to put in place any appeals mechanism against decisions on Code issues. In response, the Monitoring Officer explained that the decisions would be open to Judicial Review by the High Court on grounds of irrationality/unreasonableness, or if they were taken with procedural impropriety, or if they sought to impose a sanction which the authority had no power to impose.

The Chairman asked how many independent person(s) would be appointed in each authority. The Monitoring Officer explained that at the Norfolk Leader's Group it had been proposed up to 5 independent persons would be appointed who would serve all Norfolk authorities.

Following further comments from the Chairman on the role of the independent person and a need for a transparent process to be in place when considering complaints, the Monitoring Officer advised that a decision would be required as to who considered the initial complaint when received. It was highlighted that there was a statutory requirement for a Monitoring Officer to be appointed for each authority.

The Monitoring Officer explained that whilst it would be necessary to consult with the independent person, the independent person had no power to determine the outcome of a complaint received. The Council would need to decide how to dispose of the complaint following the conclusion of the investigation.

The Chairman commented that he had found it particularly helpful when considering complaints to have the experience of Parish Council representatives, and asked if it was possible to involve Parish Council representatives in the new arrangements. In response, the Monitoring Officer advised that the Council would need to decide if it wished to continue to involve Parish Council representatives as co-opted non-voting members of the Committee.

RESOLVED: (1) That the Standards Committee recommend that within the adopted Code of Conduct by the Council, Members be requested to keep the register of interests up to date when a change of circumstance occurred, not just at re-election or upon re-appointment.

(2) The Monitoring Officer to raise the issue of a policy being considered to deal with vexatious complaints within the proposed countywide Code.

5 DATE OF NEXT MEETING OF THE FULL STANDARDS COMMITTEE

RESOLVED: That the next meeting of the Full Standards Committee would be convened once a report was available which outlined the proposed countywide approach for the Committee to consider.

The Meeting closed at 11.41 am