

**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**STANDARDS COMMITTEE**

**Minutes of a Meeting of the Standards Committee held on  
Friday 18 June 2010 at 10.30 am, in Meeting Rooms 1, 2 and 3,  
Ground Floor, King's Court, Chapel Street, King's Lynn**

**PRESENT:**

Mr M Sale (Chairman - Independent Member),  
Mr G Brierley (Independent Member), Mr J Dawson (Parish Representative),  
Mr D Shepperson (Parish Representative), Mr R Steward (Independent Member),  
Councillors I Goodson, D Harwood, J Legg, A Tyler, C Walters,  
Nicola Leader (Legal Services Manager/Monitoring Officer)  
Teresa Campion (Investigating Officer/ Deputy Monitoring Officer)  
Jacqui Bullen (Senior Lawyer/Deputy Monitoring Officer)  
Wendy Vincent (Democratic Services Officer)

**1 APOLOGIES FOR ABSENCE**

An apology for absence was received from Mr H Malik (Parish Representative).

**2 MINUTES**

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

**Full Standards Committee**

17 December 2009

**Standards Committee – Panel Hearings**

5 February 2010

21 April 2010

**Local Assessment Sub-Committees**

17 December 2009

10 February 2010

4 March 2010

25 March 2010

19 April 2010

23 April 2010

Review Sub-Committee

24 May 2010.

**3 DECLARATIONS OF INTEREST**

None.

**4 TRAINING DVD – STANDARDS FOR ENGLAND**

Members viewed the recent training DVD received from the Standards for England.

The Chairman invited the Committee to comment/ask questions, a summary of which is set out below:

- The Monitoring Officer advised that the procedures viewed on the DVD confirmed that the arrangements in place at the Borough Council were working well.
- Following a comment on referring a complaint to Standards for England, the Monitoring Officer outlined the steps to be overcome prior to Standards for England accepting the complaint for investigation.
- A comment was made on the current decision notice – no further action, and it was highlighted that it should set out clear reasons to the complainant why the Local Assessment Sub Committee had determined that no further action should be taken. In response, the Monitoring Officer undertook to examine the current decision notice and amend, if necessary, as requested by the Committee.
- When other action was recommended by the Committee, judgement would be required before determining this course of action to ensure what was proposed by the Committee would result in a successful outcome. The Monitoring Officer advised that once the decision had been made to take other action, this then closed the door for an investigation to be conducted.
- The Monitoring Officer advised that following the decision of the Local Assessment Sub Committee to take no further action, the complainant had the right to request a Review Sub Committee to consider the complaint within 30 days of the date of the decision notice. Best practice guidance from Standards for England was to convene a Review Sub Committee within 20 working days.

**RESOLVED:** That the contents of the training DVD from Standards for England be noted.

**5 ANNUAL REPORT 2009**

The Monitoring Officer presented the Annual Report 2009.

The Chairman reminded the Committee that it had previously commented on the Member/Officer protocol and added that from his recollection an annual report would be produced by the Chief Executive setting out the operation of the policy during the course of the previous year. In response, the Monitoring Officer advised that a report would be received by the Committee at its next meeting.

**RESOLVED:** (1) That the Committee noted the Annual Report 2009.

(2) The Committee would receive the Member/Officer Protocol Annual Report at its next meeting.

## **6 DISPENSATION REQUESTS – APPLICATION PROCESS AND CRITERIA FOR DETERMINATION**

The Monitoring Officer presented the report and explained that the purpose of the report was to:

- (a) Establish a Dispensation Sub-Committee to consider requests for dispensations.
- (b) To agree the criteria which the Standards Committee would apply in determining dispensation requests.

It was highlighted that the Regulations allowed the Committee to grant dispensations for Local Authority Members permitting them to speak only or to speak and vote at a meeting when they had a prejudicial interest.

It was noted that the guidance highlighted the need for information to be made available to all Members on the criteria to be applied and the process to be followed to obtain a dispensation. The proposed application form, criteria for granting dispensations and guidance notes were attached at Appendix 2 of the report for consideration.

The Monitoring Officer drew the Committee's attention to the guidance from Standards for England, in particular, to Section 54A(1) of the Local Government Act 2000 which allowed a sub-committee to be set up to deal with dispensations. Members were invited to consider this option as a sensible way forward.

The suggested Terms of Reference set out in the report were outlined by the Monitoring Officer.

**RESOLVED:** (1) The Standards Committee note the Standards for England guidance on Dispensations.

(2) The criteria for granting dispensations and the application form attached at Appendix 2 of the report be adopted.

(3) That a Dispensation Sub-Committee be established to consider requests for dispensations as set out in paragraph 2.9 and 2.10 of the report.

## **7 NOTIFICATION PROCEDURES FOR COMPLAINTS AGAINST PARISH/TOWN COUNCILS**

The Monitoring Officer presented the report and advised Members of the responses to the consultation of Parish and Town Councils upon the proposed policy relating to a notification procedure for complaints against Councillors.

The Committee was reminded that at its meeting in September 2009, Members received a report on the Standards Board for England's recommendation that each Parish/Town Council should adopt a procedure for notifications as part of their Standing Orders.

The Standards Committee resolved that all Parish and Town Councils in the Borough be consulted upon the proposed procedure. The consultation exercise had been completed. The recommended procedure and results of the consultation were outlined by the Monitoring Officer, as detailed in the report.

The Monitoring Officer advised that a total of 17 responses from the 101 Parish and Town Councils had been received. All Parish/Town Councils were content to adopt the procedure save Emneth and Tilney St Lawrence Parish Council's, who considered the requirement at (7) of the procedure 'that any information provided by the Parish Clerk as part of an investigation should remain confidential' was undemocratic and that it would be unlawful for the Parish Council to disclose the information.

**RESOLVED:** That the Standards Committee recommend to Parish and Town Councils the incorporation into their standing orders of the procedure detailed in this report for dealing with notifications relating to complaints against their members.

## **8 STANDARDS FOR ENGLAND BULLETIN PROVIDING THE UP TO DATE POLICY INFORMATION AND NEWS**

The Committee received the February 2010 edition of the Standards for England Bulletin for information.

The Chairman reminded the Committee that they could access the Standards for England website and subscribe to the on-line service.

The Monitoring officer advised that the Standards for England 2010 Annual Assembly, '*A place for Standards*', had now been cancelled. This decision followed recent Government proposals to introduce provisions in the Decentralisation and Localism Bill to abolish the Standards Board regime.

**RESOLVED:** (1) That the contents of the February 2010 Standards for England Bulletin be noted.

(2) Members noted that they could access the Standards for England Website to receive updates via email.

**9 UPDATE ON COMPLAINT (24/10) FROM THE INVESTIGATING OFFICER**

The Investigating Officer reported that on 23 April 2010, the Local Assessment Sub-Committee referred a complaint made against a Parish Councillor for investigation.

The Investigating Officer provided a verbal update and sought the permission of the Standards Committee to discontinue the investigation of the complaint.

The Standards Committee considered the request noting that the Councillor complained of had since resigned.

**RESOLVED:** That the Standards Committee agreed to the Investigating Officer's request to discontinue the investigation of complaint 24/10.

**10 UPDATE FROM THE MONITORING OFFICER IN RESPECT OF COMPLAINT (25/10)**

The Monitoring Officer provided a verbal update on complaint 25/10 and sought the permission of the Standards Committee to discontinue the investigation of the complaint.

The Standards Committee considered the request noting that the complainant had subsequently withdrawn the complaint following an apology from the Councillor concerned.

**RESOLVED:** That the Standards Committee agreed to the Monitoring Officer's request to discontinue the investigation of complaint 25/10.

**11 EXCLUSION OF THE PRESS AND PUBLIC**

To consider passing the following resolution:

**RESOLVED:** That under Section 100(a)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act.

**12 UPDATE ON INVESTIGATIONS UNDERTAKEN TO DATE**

This item was taken first on the Agenda.

The Committee received a schedule containing confidential information held on investigations undertaken to date.

Members noted that a number of procedural issues had arisen during recent hearings which had led to agreement between the Monitoring Officer and Chairman on the following procedural issues:-

- In future if, during a panel hearing, a party seeks to place documents before the panel which have not been previously disclosed, the documents shall first be shown to the Panel's legal adviser who shall be entitled to make representations to the panel as to their admissibility before they are seen and admitted in evidence
- The Monitoring Officer is currently compiling a data base of sanctions issued by the Committee so that in the event of them needing to be considered at a panel hearing they can be easily retrieved and submitted

The Monitoring Officer had also agreed to offer advice to the Committee at its next meeting regarding the admissibility of recorded evidence at panel hearings. It was agreed that pending this advice the Monitoring Officer would issue general advice to Town and Parish Councils as to their rights to restrict recordings of their proceedings

The Committee asked questions and made comments which were noted.

**RESOLVED:** That the update on the investigations undertaken to date be noted.

### **RETURN TO OPEN SESSION**

#### **13 ANY OTHER BUSINESS**

There was none.

#### **14 DATE OF NEXT MEETING OF THE FULL STANDARDS COMMITTEE**

**RESOLVED:** That the next meeting of the Full Standards Committee would take place on Thursday 14 October 2010 at 10.30 am in the Committee Suite, King's Court, Chapel Street, King's Lynn.

**The Meeting closed at 12.05 pm**