

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

STANDARDS COMMITTEE

**Minutes of a Meeting of the Standards Committee held on
Wednesday 15 December 2010 at 10.30 am, in The Heritage Room,
Town Hall, Saturday Market Place, King's Lynn**

PRESENT:

Mr M Sale (Chairman - Independent Member),
Mr J Dawson (Parish Representative),
Mr D Shepperson (Parish Representative), Mr R Steward (Independent Member),
Councillors I Goodson, J Legg, A Tyler, C Walters,
Nicola Leader (Legal Services Manager/Monitoring Officer)
Teresa Campion (Senior Solicitor (Litigation)/ Deputy Monitoring Officer
– left the meeting at 10.40 am)
Wendy Vincent (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr G Brierley (Independent Member) and Mr E Langford (Parish Representative).

2 MINUTES

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

Full Standards Committee

18 June 2010
24 August 2010

Standards Committee – Panel Hearings

29 June 2010
11 November 2010

Review Sub-Committee

2 July 2010.

3 DECLARATIONS OF INTEREST

None.

4 RECORDING OF PARISH COUNCIL MEETINGS

The Deputy Monitoring Officer presented a report which set out the position with regard to the recording of Parish Council meetings by members of the public or a Councillor without the knowledge or consent of the Parish Council.

The Committee was advised that the starting point for this would be the Parish Council's Constitution which might address this issue.

The Borough Council's Constitution states:

“36.1 Any person wishing to broadcast or record a meeting should seek the permission of the Chair and Vice-Chair of that meeting.

The Deputy Monitoring Officer explained that as part of her research she had contacted both the Office of Surveillance Commissioners Officer and Information Commissioners' Officer who were not interested in the recording of meetings by members of the public or Councillors.

Reference was also made to the Public Bodies (Admission to Meetings) Act 1960.

It therefore appeared that the policing of recording of meetings was up to the individual Town/Parish Council to enforce by including a section within their Standing Orders.

The Deputy Monitoring Officer advised that the issue of recording of Parish Council Meetings had been raised in another local authority.

The Chairman asked if Parish Councils were aware of the information presented by the Deputy Monitoring Officer. In response, the Deputy Monitoring Officer explained that the Parish Councils involved in previous Standards Hearings were aware. She added that Parish Councils should include a section within their Standing Orders to address this issue and make an announcement at the beginning of each meeting.

The Committee asked if there was a mechanism that could disseminate the information to all Parish and Town Councils. The Chairman explained that that there was the Association of Town and Parish Councils and Parish Council Newsletters.

RESOLVED: The Deputy Monitoring Officer to contact the relevant recognised organisations requesting that information be sent to all Town and Parish Councils encouraging them to include a section within their Standing Orders to deal with recording of meetings.

5 MEMBER/OFFICER PROTOCOL ANNUAL REPORT

The Monitoring Officer reminded the Committee that they had previously been asked to comment upon the Member/Officer Protocol which had been adopted by Council. The Committee had requested that they be presented with an annual report to enable them to see how effective the Protocol was operating.

Discussions had been held with the Democratic Services Manager who acted as the first link between officers and Members if there were any issues relating to working relationships which required addressing. The Democratic Services Manager had advised that there had been a couple of issues brought to her attention, but on her referral to the Protocol, the issues had been resolved without the requirement for further action to be taken.

Both Members and officers were aware of the operation of the Protocol and measures in place to address any issues requiring a resolution. A copy of the Protocol was also published on the Council's website.

RESOLVED: That the Annual Report be noted.

6 UPDATE ON STANDARDS FOR ENGLAND

The Monitoring Officer provided a verbal update on information available relating to Standards for England as set out below:

It is intended to abolish the Standards Board regime through the Localism Bill which was laid before Parliament on 13 December..

Subject to Parliament approving the necessary legislation, the changes would be as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of Members and co-opted Members of relevant authorities in England and police authorities in Wales, would be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) which prescribed the Model Code of Conduct to apply to Members or relevant authorities would be revoked.
- The requirement for local authorities to have Standards Committees would be abolished.
- Standards for England would be abolished. Established by the Local Government Act 2000 and the regulator for local authority Standards Committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions would be transferred to other bodies.
- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct

of local authority councillors, would lose its jurisdiction over the conduct of local authority members.

Proposed Transitional Measures

- The Government propose that the suspension sanction be removed from Standards Committees for the transitional period.

The Conduct Regime – Post Standards Board

- Members would be required to continue to register and declare personal interests and would not be allowed to use their position improperly for personal gain. The Government intend that failure to comply with the requirements would constitute a criminal offence.
- The requirement for local authorities to adopt a Model Code of Conduct and for local authority Members to abide by that Code would be abolished. Local authorities would be free to adopt their own, voluntary code of conduct should they wish to do so.
- The requirement to maintain a Standards Committee would be abolished. Local authorities would be free to establish voluntary Standards Committees to consider complaints about the conduct of elected and co-opted Members.

It was noted that the present conduct regime would continue to function in a normal manner, considering, investigating and determining allegations of misconduct, until a fixed date after the Bill received Royal Assent. This would mean that until the appointed day, an allegation of misconduct could be made under the Standards Board regime. At the appointed day, allegations that were in the process of investigation and, appeals against sanctions pending would require transitional measures to address them.

Councillor Walters commented that following the Elections in May 2011, the Standards Committee could have a different membership to the current one.

In response to a question from the Chairman, the Monitoring Officer explained that it was expected there would be mechanisms put in place to monitor the standards relating to Parish Councils, although at the present time there was no further information available in respect of Parish Councils.

The Monitoring Officer explained that there were no set timescales, but that there was information published on the Department for Communities and Local Government Website.

Following further questions, the Monitoring Officer advised that it would be for the Council to decide on whether it wished to have a Standards Committee and the mechanisms put in place for monitoring standards.

The Chairman commented that the current system seemed to operate in a sound and effective way, as during his time on the Standards Committee,

only two complaints had been received against Borough Councillors and this was credited to the effectiveness of the Monitoring Officer.

RESOLVED: (1) That the update report be noted.

(2) The Monitoring Officer would arrange for an article to be published in the Members Bulletin highlighting the proposed changes.

7 ANY OTHER BUSINESS

Councillor John Legg

Councillor Legg advised the Committee that he would be standing down at the next Election in May 2011. The Chairman, on behalf of the Committee, thanked Councillor Legg for his valuable contribution and, in particular, the assistance he had provided as Vice-Chairman.

8 DATE OF NEXT MEETING OF THE FULL STANDARDS COMMITTEE

RESOLVED: That the next meeting of the Full Standards Committee would take place on Wednesday 15 June 2010 at 10.30 am in the Committee Suite, King's Court, Chapel Street, King's Lynn.

The Meeting closed at 11.00 am