

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **STANDARDS COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Friday, 26 February 2010

PRESENT

Mr K Ford (Chairman)
P Rawcliffe (Vice-Chairman)
Miss D C Maggs (Vice-Chairman)

Cllrs: A A J Rogers
J Street
G Summerfield

Independent Member(s): Mr J Dann
Mr M Jones

Parish Representatives: Mr B Collier
Dr W J Eilbeck
Ms J Hughes
Mr J Lewis
Mr B Saunders

Apologies for Absence: Mr K Frazer
Cllr Mrs J G Lawrence

Member in Attendance: Cllr R C Stay,

Officers in Attendance: Mr R Carr – Chief Executive
Mrs M Clampitt – Democratic Services Officer
Mr A Emerton – Managing Solicitor Planning,
Property, Highways &
Transportation
Mrs B Morris – Assistant Director Legal &
Democratic Services and
Monitoring Officer

STD/08/43 **Minutes**

RESOLVED

that the Minutes of the meeting of the Standards Committee held on 6 November 2009 be confirmed and signed by the Chairman as a correct record.

STD/08/44 **Members' Interests**

(a) **Personal Interests:-**

None

(b) **Personal and Prejudicial Interests:-**

None

STD/08/45 **Public Participation**

There were no applications from members of the public to speak under the Public Participation Procedure allowed for under Part A4 of the Constitution.

STD/08/46 **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

STD/08/47 **Presentation from the Chief Executive**

The Committee received a presentation from the Chief Executive which provided an overview of Standards Matters and how this Committee fitted into the Central Bedfordshire Council framework. The presentation covered the following areas:

- Personal perspectives on standards in local government
- Priorities for Central Bedfordshire Council
- Perspectives from Residents & Staff Surveys
- How can the Standards Committee help

Following the presentation the Chief Executive took questions / comments from the Committee.

There was discussion around the distinction between the 'spirit and the letter' of the Standards Regime. The Committee felt that the 'letter' needed to be followed when determining if a potential breach had occurred but that the 'spirit' should be taken into account when determining any sanction that might be applicable. The Chief Executive confirmed that he supported the Monitoring Officer's approach to exploring the scope for any addressing any issues that might arise informally interesting the first instance.

The Committee discussed the issue of upholding standards in public life as against the background of the public expectations which at times could be said to be unrealistic.

Elected Members found it difficult to make the public understand that there were certain times when they had to remain 'impartial' especially when dealing with Planning issues if they were a member of the Planning Committee.

The Committee reiterated that their role was not just to intervene in response to problems but also to offer advice on how problems could be avoided in the first place.

STD/08/48 **Verbal report from Independent Members' attendance at Committees & Town and Parish Meetings**

The Independent Members of the Committee had been extended an invitation to attend Central Bedfordshire Council Committees and Town & Parish Council meetings to see how they worked. The Monitoring Officer thanked everyone who had attended various meetings. The Chairman requested feedback from Members.

The Central Bedfordshire Council meetings which had been attended included an Executive meeting, Regulation Committee meeting and a Development Management meeting. All of the meetings were found to demonstrate good behaviour and standards. In particular, treatment of the public was very good and showed respect.

The Town & Parish Council meeting for one particular Parish had raised concerns for the attendees and the Monitoring Officer was working with BRCC to try and help the Parish Council sort out their areas of difficulty.

STD/08/49 **Gifts and Hospitality Audit**

The Committee considered the report of the Monitoring Officer which advised of the outcome of the Gift and Hospitality Audit for Members' and Officers' declarations.

Last year, the internal audit team reviewed the processes in place for Members' and Officers' declarations. The audit highlighted several issues particularly for the Officers' declarations. It was noted that the recommendations for this area were now being implemented.

The Committee noted that all Members' declarations were available on the website for public inspection and had been since late last year.

RESOLVED

that the report of the Monitoring Officer and the recommendations contained within be noted.

STD/08/50 Notifications of Gifts and Hospitality declared by Central Bedfordshire Members

The Committee received the report of the Monitoring Officer which provided an update on gifts and hospitality declared by Central Bedfordshire Council Members since the last meeting.

RESOLVED

that the declarations of gifts and hospitality received by Central Bedfordshire Members as set out at Appendix "A" to the report of the Monitoring Officer be noted.

STD/08/51 Update on Current Standards Matters

The Committee considered the report of the Monitoring Officer which advised Members of the latest position relating to Assessments, Reviews and Hearings.

The Committee were thanked for their time and consideration of the cases to date. In response to a question the Monitoring Officer confirmed that the number of complaints received was higher than the national average but this was attributed to the authority having a larger number of Town and Parish Councils within its boundaries.

RESOLVED

that the report of the Monitoring Officer be noted.

STD/08/52 Standard Board Bulletin No. 46

The Committee considered the report of the Monitoring Officer which drew Members' attention to the latest bulletin issued by Standards for England.

The Monitoring Officer highlighted the main points of interest within the bulletin as follows:

- Standards and Ethics Award winner to be announced on 24 March 2010.
- Bias and Predetermination
- Local Assessment – Sharing lessons learnt
- Annual Return 2010
- Governance Toolkit for Parish and Town Councils – which could be downloaded from the Standards for England website
- Changes to the Adjudication Panel (please see minute std/09/55)

A question was raised by Members and clarification was provided by the Monitoring Officer and Managing Solicitor in relation to the correct procedure for Members to following when they sit on a Parish or Town Council and also on Central Bedfordshire's Development Management Committee which determines planning applications i.e. can they take part in discussions at both meetings?

The answer provided was as follows: where possible Members should not take part in discussions at their Town and Parish meetings if they know that an item would likely be considered at the Development Management Committee. However, if they have taken part in the Town and Parish discussions and find that an item has arrived for consideration at the Development Management meeting and additional information has been received then they must declare an interest in relation to their Town and Parish meeting considerations and provided they will consider the item with a 'clear and open mind' they may take part in the debate.

RESOLVED

that the Standards for England Bulletin No. 46 be noted.

STD/08/53

Guidance Notes issued by Standards for England

The Committee received the report of the Monitoring Officer which drew Members' attention to the Guidance Notes issued by Standards for England.

The Guidance notes covered the following areas:

- Charitable Trustees and Declarations of Interests under the Code.
- The role and appointment of Town and Parish representatives to the Standards Committee and the Standards Committee (England) Regulations 2008 (the 2008 Regulations)
- Personal and Prejudicial Interest
- Notification to Town and Parish Councils concerning complaints about their Members and the Standards Committee (England) Regulations 2008 (the 2008 Regulations)
- Lobbying
- Independent Members
- Gifts and Hospitality
- Freemasons and the Code of Conduct
- Disclosing Confidential Information
- Bullying and the Code of Conduct
- Predisposition, Predetermination or Bias and the Code

The Monitoring Officer confirmed that the next review of the Code would be after June 2010. It was agreed that the procedures and the possible inclusion of registering declined gifts and hospitality would be reviewed at that time.

RESOLVED

that the Guidance Notes issued by Standards for England be noted.

STD/08/54 **Changes to the Adjudication Panel for England**

The Committee received the report of the Monitoring Officer which drew Members' attention to the changes to the Adjudication Panel for England.

With effect from 18 January 2010, work of the Adjudication Panel for England had been transferred to the unified Tribunal Structure and into the new General Regulatory Chamber (GRC) within the First-tier Tribunal.

This would not affect the Council except for the decision notices issued following determination by a Standards Committee. The templates will be amended.

RESOLVED

that the contents of the report of the Monitoring Officer be noted.

STD/08/55 **Planning Code Review**

The Committee received and considered the report of the Director of Corporate Resources which informed of the proposed amendments to the Members' Planning Code of Good Practice.

The Local Government Association revised its advice on the Code for Site Visits and the Planning Code of Good Practice, Officers have provided copies of the Codes with the proposed changes in italics. The Codes had been an amalgamation of the legacy authorities Codes. It was noted that the Codes sit within the Council's Constitution. The proposed changes were presented to the Development Management Committee at their 20 January 2010 meeting and were endorsed without change.

The main changes included the ability for Members to be involved in pre-application discussions for large sites within their wards. This would bring the code in line with National advice. It was noted that Members must have an Officer present for transparency.

It was felt that the changes were a step forward and were welcomed.

RESOLVED

1. that the changes to the Members' Planning Code of Good Practice and Code of Practice for the Conduct of Site Inspections as set out in Appendix "A" to the report of the Director of Corporate Resources, be endorsed.

RECOMMENDATION

that the Council be recommended to amend and adopt the Members' Planning Code of Good Practice of the Constitution as set out in Appendix "A" to the report of the Director of Corporate Resources.

(Note: The meeting commenced at 9.30 a.m. and concluded at 11.40 a.m.)