

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **STANDARDS COMMITTEE** held in Room 15, Priory House, Monks Walk, Shefford on Friday, 16 March 2012

PRESENT

Mr K Ford (Chairman)
Mrs J G Lawrence (Vice-Chairman Elected Representative)
Miss D C Maggs (Vice-Chairman Independent Member)

Cllrs: L Birt
N Warren
P Williams

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

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

Officers in Attendance:	Mr J Atkinson	Head of Legal and Democratic Services
	Mrs M Clampitt	Committee Services Officer

STD/11/20 **Minutes**

RESOLVED

that the Minutes of the meeting of the Standards Committee held on the 6 January 2012 be confirmed and signed by the Chairman as a correct record.

STD/11/21 **Members' Interests**

(a) **Personal Interests:-**

There were no declarations made.

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

There were no declarations made.

STD/11/22 **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/11/23 **Notifications of Gifts and Hospitality declared by Central Bedfordshire Members**

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

RESOLVED

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

STD/11/24 **Update on Current Standard Matters**

The Committee considered the report of the Monitoring Officer which advised Members of the latest position relating to Assessments, Reviews and Hearings. In presenting the report, the Monitoring Officer provided additional information about several cases which had not been available at the time the agenda was printed.

The Committee and Officers were thanked for their time and consideration of the cases to date.

RESOLVED

that the Update on Current Standards Matters be noted.

STD/11/25 **Update on the future of Standards**

The Committee received a verbal update from the Monitoring Officer and the Vice-Chairman (Elected Representative) regarding the future of Standards and the work of the Ethical Standards Task Force.

The Monitoring Officer confirmed that the current Standards arrangements would cease on 30 June 2012. Any complaints, which had not been completed prior to 1 July 2012 would be dealt with under the new arrangements.

It was noted that the Independent Members and the Town and Parish Representatives appointments had been extended indefinitely and so the existing membership of the Standards Committee would remain in place until the end of the current Standards arrangements on 30 June 2012. It was anticipated that the Elected Members would be reappointed at the AGM until 30 June 2012.

The Vice-Chairman (Elected Representative) provided the Committee with an overview of the work which had been carried out by the Task Force and provided a copy of the draft Code of Conduct to apply from 1 April 2012.

The Task Force had met in January and February to determine how Standards would be delivered in future. It was proposed that responsibility for ethical standards would be one of the functions of a new Governance and Audit Committee, which would incorporate the functions of the Audit, General Purposes, Standards Committees and the Constitution Advisory Group (CAG).

The Governance and Audit Committee would establish a sub-committee with specific responsibility for Standards with a membership of 6 elected members and 3 Independent persons.

Under the provisions of the Localism Act 2011 Independent Persons would replace Independent Members. It was noted that the current Independent Members were ineligible to serve as Independent Persons for this Council. However, Central Government was considering the option of introducing transitional arrangements for 12 months. The transitional arrangements would allow the existing Independent Members to serve on the new Committee for a limited period whilst the Independent Persons positions were advertised.

The new arrangements would allow for an initial review of the less serious complaints to be undertaken by the Monitoring Officer in consultation with the Independent Person. If it was determined that a complaint should be considered for investigation then it would need to be considered by a panel to confirm the need of an investigation.

The Ethical Standards Task Force was minded to include provision for either the complainant or the Member to seek a review of a decision, but this process would be different from the current format for reviews and appeals.

The new Code of Conduct had been drafted in consultation with Bedfordshire Rural Charities Commission (BRCC) and the Task Force hoped that it might be adopted by all of the Town and Parish Councils as well as Central Bedfordshire Council.

The Committee asked for consideration to be given to the following changes to the Code of Conduct:-

- amend paragraph 1.4 to read “The Code is consistent with the following Nolan principles:”
- the removal of the worked “should” and replace with “must” or “shall”
- amend paragraph 4.1 to read “Members must always act in the public interest.”
- Sanctions would be included in a separate document which was not available at the time of the meeting
- Consideration be given to Town and Parish members being co-opted onto the new Standards Sub-Committee

- There should be a revised version of the Code for Town and Parish Councils as not all terms of the draft Code applied. In particular, in paragraph 4.7 references to the Head of Paid Service and Chief Finance Officer to should be replaced by the clerk and responsible financial officer.

The Committee noted that the legislation included no specific Sanctions, except in relation to non-compliance with the registration of disclosable pecuniary interests. However, censure, publishing the findings of conduct, reporting of findings to the Council and arranging training for the Member were possible courses of action. It was noted that 'informal resolution' was also a possible outcome,.

The Committee queried the possibility of sharing Independent Persons with another Local Authority or with Police & Fire Authorities. The Monitoring Officer confirmed that talks had begun with neighbouring Local Authorities and that the Fire Authority could also be contacted. The Police Authority was in a different position as they would cease to exist in November 2012, at which time over the legislation would cease to apply to Police Authorities or the Police and Crime Commissioner..

Finally, the Committee asked for confirmation that a full description of the role would be provided to candidates seeking appointment to the position of Independent Person, so that they understood exactly what was expected of them.

(Note: The meeting commenced at 9.30 a.m. and concluded at 10.50 a.m.)

Chairman

Dated