

BABERGH AND MID SUFFOLK DISTRICT COUNCILS

Minutes of the meeting of the **JOINT STANDARDS COMMITTEE** held in the Council Chamber, Council Offices, Needham Market on 23 April 2012 at 4.00pm.

PRESENT: Councillors: Mr A C Bavington
Mr G M Brewster
Mrs E B Gibson-Harries
Mr R E Kemp
Mr A F D W Osborne

Independent Members: Mr P J Down (Chairman)
Mr A Barrow
Mr A George
Mr C A Reeve
Mr M H Rousseau

Parish Representatives: Miss P F Cook
Mr R L Feltwell
Mrs T Kavvadias
Mrs N Willshere

In attendance: Monitoring Officer
Monitoring Officer's Assistant (AH)

1 APOLOGIES

Apologies for absence were received from Mr P Jones and Mrs P M R Godden.

2 DECLARATIONS OF INTEREST

It was noted that all co-opted members had an interest in paper ST/01/12.

3 MINUTES

RESOLVED

That the minutes of the Joint Standards Committee meeting held on 17 February 2012 be confirmed and signed as a correct record.

4 PETITIONS

None received.

5 QUESTIONS FROM MEMBERS

None received.

6 CHAIRMAN'S ANNOUNCEMENTS

None.

7 LOCALISM ACT 2011 – STANDARDS FUNCTIONS

Report ST/01/12

Monitoring Officer

The Monitoring Officer submitted a report (**Paper ST/01/12**) on the arrangements for a new Joint Standards Committee to come into operation once the amended standards regime is implemented under the Localism Act 2011. The suggested Articles of the Constitution were set out at Appendix 1 and the suggested Terms of Reference at Appendix 2 to paper ST/01/12.

The Monitoring Officer stated that whilst there is no requirement for councils to have a standards committee, there is a statutory duty to promote and maintain high standards of member conduct. Councils will be required to have a code of conduct based upon the seven Nolan principles and will need to have a system to deal with complaints against councillors. If it is decided to have a standards committee, political balance rules will apply unless both councils agree otherwise and if co-opted members are appointed, they will not have any voting rights.

The Monitoring Officer advised that discussions were ongoing within the county on the subject of a county wide Suffolk Standards Committee.

The Monitoring Officer's report drew specific attention to the composition of the Joint Committee which, the report suggested, should comprise ten members, consisting of three elected members from each Council, one independent member appointed by each Council and one parish/town representative from each of the Councils' areas.

A great deal of discussion ensued regarding the membership of the committee with members agreeing that it should be recommended to Full Council that the committee should continue to have co-opted members even though they would have no voting rights.

The committee requested the following amendments be made to the report:

- i) that paragraph (a) of the Articles of the Constitution at Appendix 1 to paper ST/01/12 be amended as follows:

Membership. The Joint Standards Committee will be composed of:

- Six Councillors (three from each Council) (Elected Members);
- Up to four persons (two from each Council) who are not Councillors or an Officer of the Council or any other local authority (Independent Members);
- Up to four Members (two from each Council) of a Parish/Town Council in the Councils' areas (Parish Members)

and that paragraph 2.2 of the report be amended accordingly.

- ii) That recommendation be made to Full Council that co-opted members are appointed to the new Joint Standards Committee and that the square brackets indicating that paragraphs 2.4 and 2.5 of the report only apply if Council wishes to appoint co-opted members, be removed.

The Monitoring Officer clarified that paragraph (y) of the Articles of the Constitution at Appendix 1 should say 'To review and make recommendations on Councillors' Standards related training'.

RECOMMENDED TO COUNCIL

- (1) That upon the date of implementation of Chapter 7 of the Localism Act 2011 the Councils' standards functions be discharged by a newly constituted Joint Standards Committee between Babergh and Mid Suffolk comprising of 6 elected members (3 from each Council, not politically balanced) plus such co-opted members as each Council may determine in accordance with Recommendation 2 below.**
- (2) That each Council has the option to appoint up to two non-voting independent members and/or up to two non-voting parish/town council representatives to the Joint Standards Committee.**
- (3) That the terms of reference at Appendix 2 of paper ST/01/12 be adopted for the new Joint Standards Committee and the Monitoring Officer be authorised to make any minor changes as may be necessary.**
- (4) That the Monitoring Officer be authorised to initiate a selection process for the appointment of co-opted members as set out in Recommendation 2 with appointments to be made at a future meeting of Full Council.**
- (5) That the allowances for any co-opted Members of the new Joint Standards Committee be reviewed and fixed at a future meeting of Full Council.**
- (6) That the proposals for a County wide pool of 'independent persons' be approved with appointments to be made at a future meeting of Full Council.**
- (7) That the Constitution be amended accordingly.**

8 LOCALISM ACT 2011 – NEW ARRANGEMENTS

Report ST/02/12

Monitoring Officer

The Monitoring Officer submitted a report (**Paper ST/02/12**) to provide an update on developments for the new standards regime expected from 1 July 2012 and to consider draft proposals for a standards code and complaints procedure, which were set out at Appendix 1 and Appendix 2 to paper ST/02/12.

A paper published by the DCLG with the title 'Illustrative text for code dealing with the conduct of member and co-opted members of the authority when acting in that capacity' was circulated by the Monitoring Officer at the meeting for consideration with the draft Suffolk Standards Code at Appendix 1. Following detailed discussion the committee approved the draft Suffolk Standards Code at Appendix 1 to Paper ST/02/12 for recommendation to Full Council for adoption (subject to formatting).

The Monitoring Officer gave a summary of the draft Standards Complaints Procedure at Appendix 2 to Paper ST/02/12. A number of concerns were raised by the committee and amendments identified. The Monitoring Officer was requested to make the amendments to the draft Standards Complaints Procedure for approval by the committee at its next meeting.

RESOLVED

- (1) That the draft Suffolk Standards Code at Appendix 1 to Paper ST/02/12 be recommended to Full Council for adoption (subject to formatting) rather than the DCLG paper.**
- (2) That the draft Standards Complaints Procedure at Appendix 2 to Paper ST/02/12 be approved in principle, that the Monitoring Officer be requested to make the amendments as discussed at the meeting and that the Standards Complaints Procedure be re-submitted to the next meeting of the Joint Standards Committee for approval.**

9 ANNUAL REPORT FOR 2011/2012

Report ST/03/12

Monitoring Officer

The Monitoring Officer submitted a report (**Paper ST/03/12**) summarising the work of the Councils' individual Standards Committees from 1 April 2011 and the Joint Standards Committee which was established on 7 December 2011.

Eight complaints had been received by Babergh District Council during the year, all concerning parish councillors. Two complaints were awaiting a decision at the time Paper ST/03/12 was written. These had now been assessed, with the decision being that no further action is to be taken. Three complaints were in the process of being investigated.

Seven complaints were received by Mid Suffolk District Council during the year, with no complaints currently outstanding.

RESOLVED

That the information contained in Paper ST/03/12 be noted.

10 REPORT OF A STANDARD HEARING (CASE NO: 29347)

Report ST/04/12

Monitoring Officer

The Monitoring Officer submitted a report (**Paper ST/04/12**) advising the outcome of a hearing before the Joint Standards Hearing Sub-Committee conducted on 27 February 2012.

It was noted that the Decision Notice at Appendix 1 to Paper ST/04/12 refers to Long Melford District Council whereas it should refer to Long Melford Parish Council.

RESOLVED

That the information contained in Paper ST/04/12 be noted.

11 REPORT OF A STANDARD HEARING (CASE NO: 29349)

Report ST/05/12

Monitoring Officer

The Monitoring Officer submitted a report (**Paper ST/05/12**) advising the outcome of a hearing before the Joint Standards Hearing Sub-Committee conducted on 27 February 2012.

RESOLVED

That the information contained in Paper ST/05/12 be noted.

12 DECLARATIONS OF INTEREST ETC. – MONITORING REPORT FOR THE PERIOD FROM JANUARY TO MARCH 2012

Report ST/06/12

Monitoring Officer

The Monitoring Officer submitted a report (**Paper ST/06/12**) containing details of interests and gifts declared by Members during the period to 31 March 2012, and also on the assessment of complaints received about councillors' conduct during that period.

The Monitoring Officer advised that the declarations of interest made at the meeting of Council at Babergh District Council on 26 January 2012, which had not been included in the report presented at the previous meeting of the Joint Standards Committee on 17 February 2012, were included in the report.

RESOLVED

That the information contained in Paper ST/06/12 be noted.

13 LOCAL CODE OF CONDUCT COMPLAINTS UPDATES

The Monitoring Officer had given an update under Minute No. 9 on the Code of Conduct complaints currently in progress.

14 STANDARDS CASE REPORTS – REPORTS ON RECENT FIRST-TIER TRIBUNAL DECISIONS AND RELEVANT CASE LAW

Report ST/07/12

Monitoring Officer

The Monitoring Officer submitted a report (**Paper ST/07/12**) updating members on recent First-tier Tribunal (Local Government Standards in England) which considers Code of Conduct referrals and appeals from Standards Committee decisions. The Monitoring Officer drew attention to the Tribunal's definition of 'disrepute' in paragraph 7.6 of the report.

RESOLVED

That the content of Paper ST/07/12 be noted.

15 OBSERVATION ON PROCEEDINGS AT COUNCIL/COMMITTEE MEETINGS

None.

16 ROTA FOR OBSERVATION AT COUNCIL/COMMITTEE MEETINGS

It was decided that observation on proceedings at council/committee meetings by co-opted members should continue to the end of June 2012.

RESOLVED

That a rota for co-opted members to observe on proceedings at council/committee meetings be drawn up for the period to the end of June 2012.

17 DATES OF FUTURE MEETINGS

The date for the Committee's next meeting was scheduled to take place on Thursday 7 June 2012 at 10.30am at Babergh District Council offices.

RESOLVED

That the date be noted.

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Chairman