

## **BABERGH AND MID SUFFOLK DISTRICT COUNCILS**

Minutes of the meeting of the **JOINT STANDARDS COMMITTEE** held in the Lecture Theatre, Council Offices, Needham Market on 23 August 2012 at 2.00pm.

**PRESENT:**                      **Councillors:**                      **Co-opted Members:**

Mr G M Brewster  
Mrs E B Gibson-Harries  
Mr A F D W Osborne  
Mr D J Osborne  
Mr C A Roberts

Mrs N Willshere

**In attendance:**            Kathryn Saward - Monitoring Officer  
   Amanda Hobday - Monitoring Officer's Assistant  
   Steve Ellwood - Democratic Services Manager

### 1        WELCOME & INTRODUCTIONS

The Monitoring Officer opened the meeting and welcomed everyone present. Mr Steve Ellwood, Democratic Services Manager was in attendance as it is proposed that he take over the role of Deputy Monitoring Officer along with Mr Jonathan Reed following the departure of Mr Ray Amesbury.

### 2        ELECTION OF CHAIRMAN

#### **RESOLVED**

**That Mrs E B Gibson-Harries be elected Chairman of the Joint Standards Committee.**

### 3        ELECTION OF VICE-CHAIRMAN

#### **RESOLVED**

**That Mr A F D W Osborne be elected Vice-Chairman of the Joint Standards Committee.**

### 4        APOLOGIES

Apologies for absence were received from Mr A C Bavington, Mr J G Watson, Mr C A Reeve and Mrs T Kavvadias.

### 5        DECLARATIONS OF INTEREST

None declared.

### 6        PETITIONS

None received.

7 QUESTIONS FROM MEMBERS

None received.

8 ARRANGEMENTS FOR CO-OPTED MEMBERS

The Monitoring Officer gave a verbal update on arrangements for the co-opted members of the Joint Standards Committee. Following advertisement of the vacancies, the Chief Executive has appointed the co-opted members to the Committee using urgent out of meeting powers, pending ratification by each Council. The Joint Standards Committee now has its full complement of co-opted members. A report is awaited from the Independent Remuneration Panel to set the allowances for the co-opted members and is expected to be presented to each Council in September.

**RESOLVED**

**That the position be noted.**

9 ADOPTION OF COMPLAINTS PROCESS

The Committee considered a report ([Paper JST/01/12](#)) presented by the Monitoring Officer concerning the adoption of a procedure for the consideration of standards complaints together with the necessary delegations and the assessment criteria to be applied in the consideration of complaints.

The Committee discussed the recommendations in the report and requested that the wording at paragraph (4) of Part 1 of Appendix 3 to Paper JST/01/12 be adjusted to make the meaning clearer, but to keep alignment with the words in italics at the end of Part 1.

The need for a timeframe in which a complaint should be dealt with was discussed and it was noted that the Standards Complaints Procedure Note at Appendix 2 to Paper JST/01/12 would be amended to include the fact that the Monitoring Officer will agree with the 'independent person' the timeframe in which action should be taken.

The Monitoring Officer stated that a report would be presented to the Joint Standards Committee on a quarterly basis to report on the operation of the complaints process.

**RESOLVED**

- (1) That the standards complaints procedure shown in the flowchart at Appendix 1 and described in the text at Appendix 2 to Paper JST/01/12 be adopted with immediate effect.**
- (2) That the Monitoring Officer be delegated authority to perform the functions identified in the standards complaints procedure referred to in resolution (1) above.**

- (3) That the assessment criteria at Appendix 3 to Paper JST/01/12 be adopted with immediate effect subject to the wording at paragraph (4) of Part 1 being adjusted and subject to the Monitoring Officer having delegated authority to make amendments following consultation with other Suffolk authorities.**
- (4) That the Monitoring Officer present a quarterly report to the Joint Standards Committee on the operation of the complaints process.**

10 DISPENSATIONS

The Monitoring Officer presented a report ([Paper JST/02/12](#)) concerning the arrangements for the grant of dispensations to allow a councillor with a pecuniary interest in an item of Council business to participate and/or vote in that matter.

The Joint Standards Committee considered the report and agreed that the wording of recommendation 2.2 be amended to read 'There be a right of appeal to a Sub-Committee of the Joint Standards Committee against a decision to refuse dispensation in whole or part, the appeal to be made in writing within 10 working days of notice of the decision'.

**RESOLVED**

- (1) That the Monitoring Officer be delegated authority to determine applications for dispensations made pursuant to section 33 of the Localism Act 2011 in consultation with the Chairman of the Joint Standards Committee and in his/her absence or unavailability with the Vice-Chairman of the Committee.**
- (2) There be a right of appeal to a Sub-Committee of the Joint Standards Committee against a decision to refuse a dispensation in whole or part, the appeal to be made in writing within 10 working days of notice of the decision.**
- (3) The Joint Standards Committee establish a Sub-Committee comprising of not less than 1 elected Member from each Council and 1 co-opted non-voting Member, the precise membership to be determined on a case by case basis.**

11 STATISTICAL REPORTS

The Monitoring Officer presented a report ([Paper JST/03/12](#)) containing details of interests and gifts/items of hospitality declared by Members during July 2012, and also on the assessment of complaints received about councillors' conduct during that period.

**RESOLVED**

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

12 WORKPLAN

The future work of the Committee was discussed and the following were identified as future agenda items:

- Compliance with the Localism Act
- Adoption of Code of Conduct by Parish Councils

It was noted that Members felt it would be useful to ascertain whether each Parish Council had adopted the Suffolk Local Code of Conduct and to obtain copies of their adopted Code if it is not the Suffolk Local Code.

**RESOLVED**

**That the Monitoring Officer bring forward reports, as identified, to a future meeting of the Joint Standards Committee.**

13 EXCLUSION OF THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

The Committee considered whether under Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public should be excluded from the meeting for agenda items 14 and 15 on the grounds that if the public were not excluded it is likely that:-

- (i) there would be a disclosure to them of exempt information by virtue of Paragraphs 1 and 2 ; and
- (ii) that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**RESOLVED**

**That the public be excluded from the meeting for agenda items 14 and 15 and that the meeting go into closed session.**

14 REPORT OF AN INVESTIGATION CONDUCTED ON BEHALF OF THE MONITORING OFFICER – CASE NO. 31283

The Monitoring Officer presented a report ([Paper JST/04/12](#)) to consider the investigating officer's findings as supported by the 'independent person' of a complaint received against a parish councillor alleging a failure to comply with the 2007 Code of Conduct for Members. The Monitoring Officer explained that whilst the complaint was investigated under the previous system, it must be completed under the Council's new complaints procedure. The determination would therefore be completed as a paper exercise in accordance with the new procedure.

The Committee discussed the report and whilst accepting the investigating officer's findings as commended by the 'independent person' of no breach of the Code of Conduct, the Committee felt that the parish councillor's behaviour was highly regrettable. The Monitoring Officer was requested to draft a Decision Notice for consideration by the Standards Committee prior to issue.

**RESOLVED**

**That the investigating officer's findings as contained within the report dated 22 July 2012 be accepted.**

15 REPORT OF AN INVESTIGATION CONDUCTED ON BEHALF OF THE MONITORING OFFICER – CASE NO. 31092 (1) & (2)

The Monitoring Officer presented a report ([Paper JST/05/12](#)) to consider the investigating officer's findings as supported by the 'independent person' of complaints received against a parish councillor alleging a failure to comply with the 2007 Code of Conduct for Members. The Monitoring Officer explained that whilst the complaint was investigated under the previous system, it must be completed under the Council's new complaints procedure. The determination would therefore be completed as a paper exercise in accordance with the new procedure.

The Monitoring Officer clarified that recommendation 2.1.1 of Paper JST/05/12 should read 'at the Parish Council meetings on 17 January 2012 and 21 February 2012'.

The Committee considered the report and accepted the investigating officer's findings as commended by the 'independent person', that there had been a breach of the Code of Conduct. The Committee determined that the parish councillor be censured and be recommended to undertake training in the Code of Conduct. The Monitoring Officer was requested to publicise the Committee's decision of breach of the Code.

**RESOLVED**

- (1) That recommendations 2.1.1 to 2.1.7 of Paper JST/05/12 be accepted.**
- (2) That the Committee's decision of breach of the code be publicised.**
- (3) That the parish councillor be recommended to undertake training in the Code of Conduct as adopted by Long Melford Parish Council.**
- (4) That the parish councillor be censured.**
- (5) That the Monitoring Officer be instructed to prepare a formal decision notice setting out details of the Committee's decision for approval by the Chairman and circulating to Committee Members prior to release.**

16 DATE OF NEXT MEETING

The next meeting of the Joint Standards Committee will be held on Wednesday 14 November 2012 at 2pm at the Babergh District Council offices.

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Chairman