

Minutes of a meeting of the **Standards Committee** held in Committee Room One East Pallant House East Pallant Chichester West Sussex on Monday 6 June 2011 at 14:30

Members (17 with six vacancies)

Chichester District Council Members (5)

Mrs E P Lintill
Mr D J Myers
Mr M Woolley (also a member of Chichester City Council)

Independent Members (3 with three vacancies)

Mr A Deller (Vice-Chairman)
Mr C Evans (Chairman)
Mrs J V Radley

Parish Council Members (3 with three vacancies)

Mr B Norris (Earnley Parish Council)

were present (7)

Apologies for Absence

Mr J Cottam (Fernhurst Parish Council)
Mr D Ribbens (Plaistow and Ifold Parish Council)
Mrs J A E Tassell (Chichester District Council)
Mrs B A Tinson (Chichester District Council)

Officers Present for All or Specific Items

Mr J Mildred – Corporate Policy Manager (agenda item 9)
Mr G Thrussell – Senior Member Services Officer
Mrs V J Williams – District Solicitor and Monitoring Officer

Chichester District Council Members Present as Observers

Mrs C Purnell (Selsey North Ward Member)

1 Opening by the District Solicitor and Monitoring Officer

Mrs Williams greeted everyone present to the committee's first meeting of the 2011-2015 Council. She welcomed in particular the new members on the Standards Committee and she hoped they would find their role very rewarding. She outlined the emergency evacuation arrangements.

2 Election of Chairman

Mrs Williams invited nominations for the chairman of the committee, for which position only the independent members were eligible.

Mr Evans was proposed by Mrs Lintill and seconded by Mrs Radley to be the chairman. There were no other nominations.

RESOLVED

That Mr Evans is elected as the chairman of the Standards Committee for 2011-2012.

3 Appointment of Vice-Chairman

Mr Evans invited nominations for the vice-chairman of the committee, for which position only the independent members were eligible.

Mr Deller was proposed by Mr Evans and seconded by Mr Myers to be the vice-chairman. There were no other nominations.

RESOLVED

That Mr Deller is appointed as the vice-chairman of the Standards Committee for 2011-2012.

Mr Evans welcomed the new members. He mentioned the good atmosphere on this committee and the interesting, varied nature of its work, especially the sub-committees.

Mr Evans referred to the valued contributions made by the several members who had left the committee following the May 2011 District elections, namely Mrs M E Elliott, Mr R H Field, Mr A G F Moss, Mr A J Ryan and Mr C Wood. Mr Evans proposed and it was agreed that a letter of appreciation should be sent to each of those former members.

4 Apologies for Absence

Apologies for absence had been received from Mr Cottam, Mr Ribbens, Mrs Tassell and Mrs Tinson.

5 Approval of Minutes

RESOLVED

That the minutes of the meeting on Monday 29 June 2009 are approved without amendment and the chairman shall sign and date them as a correct record.

6 Urgent Items

There were no urgent items for consideration at the meeting.

7 Declarations of Interests

There were no declarations of interests made at this meeting.

8 Public Question Time

No public questions had been submitted.

9 Update on Equalities

The committee considered the report circulated with the agenda (copy attached to the official minutes).

Mr Mildred presented the report with reference to (a) how the responsibility for equalities issues was organised at Chichester District Council, (b) the Equality Act 2010 as a piece of consolidating legislation, (c) the nine 'protected characteristics' enshrined in the statute, (d) the need to ensure that when, for example, commissioning services the Council did not overlook groups not specified in the legislation eg people living in rural isolation, (e) the three aims or arms of the general equality duty, (f) the specific equality duty and (g) the implications for service managers. With respect to (f) Mr Mildred advised that in the case of the first duty (namely to publish sufficient information to demonstrate compliance with the general equality duty across all the Council's functions) the deadline had been extended from 31 July 2011 to 31 December 2011.

The following two points were addressed during the committee's discussion:

- (a) As to the existence of any specific duties regarding the travelling community that were not specifically identified in the report, these would fall within the protected characteristic of race. The Council's housing and planning sections would be involved in developing policies in this area.
- (b) As to an example of when the committee might wish to request a report on a specific item on equalities (para 5.2 of the report refers), this was mentioned in the report simply because over the years equalities had been referred to the committee even though the subject did not fall within its terms of reference. Since equalities related to the way the Council delivered its services and not to the conduct of members, it was appropriate that in future reports on this subject went to the Council and, perhaps, the Overview and Scrutiny Committee instead of this committee. Nevertheless a particular issue could always be referred to this committee if appropriate.

The committee had no particular comments to make on how the requirements set out in the Equalities Act 2010 were being implemented at Chichester District Council.

RESOLVED

- (1) That the changes to the requirements on equalities as set out in the Equalities Act 2010 be noted.
- (2) That in future the reporting on equalities should revert to the Council.

10 Bribery Act 2010

The committee considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Williams presented the report, which was for the committee to note. She explained the nature, objectives and principal provisions of this consolidating legislation and she summarised the six principles contained in the related guidance that had been published. She explained how a local authority could be vicariously liable for failing to prevent an act

of bribery committed by one of its employees (section 7 of the Bribery Act 2010). Of the four new offences created by the statute, this was the one that was of particular relevance to the Council.

The committee had no questions or points to raise on this subject.

RESOLVED

- (1) That the report on the Bribery Act 2010 is noted.
- (2) That in the event that Chichester District Council adopts a voluntary code of conduct for its members after the Localism Bill is enacted, that code should refer to the Bribery Act 2010.

11 Minutes of Previous Meetings of the Assessment Sub-Committee, the Review Sub-Committee, the Report Sub-Committee and the Hearing Sub-Committee

Mr Evans had chaired a number of the 13 sub committee meetings listed on the face of the agenda, including the two occasions on which the Hearing Sub-Committee had met. He commented on both the process and, by way of illustration, some of the complaints for the benefit particularly of members who had yet to sit on a sub-committee.

RESOLVED

That the minutes of the following meetings be received:

- (1) Assessment Sub-Committee – Wednesday 22 July 2009
- (2) Assessment Sub-Committee – Wednesday 16 September 2009
- (3) Report Sub-Committee - Wednesday 4 November 2009
- (4) Review Sub-Committee – Monday 30 November 2009
- (5) Hearing Sub-Committee – Friday 11 December 2009
- (6) Report Sub-Committee – Friday 22 January 2010
- (7) Assessment Sub-Committee – Friday 22 January 2010 (two meetings)
- (8) Assessment Sub-Committee – Friday 30 April 2010
- (9) Report Sub-Committee – Friday 30 April 2010
- (10) Hearing Sub-Committee – Friday 19 November 2010
- (11) Assessment Sub-Committee – Friday 25 March 2011 (one of two meetings only)
- (12) Review Sub-Committee – Friday 25 March 2011

12 Re-establishment of the Sub-Committees of the Standards Committee

The committee considered the report circulated with the agenda (copy attached to the official minutes), which was presented by the District Solicitor and Monitoring Officer.

Mrs Williams explained that unless and until the current standards regime had been abrogated the four sub-committees needed to be re-established. Mr Evans explained the rotation method used for selecting members to sit on a particular sub-committee.

RESOLVED

That the Assessment Sub-Committee, Review Sub-Committee, Report Sub-Committee and Hearing Sub-Committee shall be re-established for the Council Year 2011-2012 to deal with complaints of alleged breaches of the Members' Code of Conduct and that the membership, terms of reference and quorum of each sub-committee set out in appendices 1 to 4 to the report are approved.

13 The Localism Bill - The Future of Standards

The committee considered the report circulated with the agenda (copy attached to the official minutes), which was presented by the District Solicitor and Monitoring Officer.

Mrs Williams said that the proposals as currently contained in the Localism Bill constituted a major turning point for the standards regime in local government. It was far from clear how the proposals in the Bill would work, although it was hoped that greater clarity would be afforded by published guidance and regulations. She summarised (a) the transitional arrangements in the Bill, (b) predetermination, (c) how to implement the duty to promote and maintain standards of conduct by members and co-opted members (clause 15 of the Bill), (d) the removal of a mandatory requirement for either a standards committee or a code of conduct (clause 16 of the Bill concerns voluntary codes of conduct), (e) how complaints will be investigated if a local authority chooses to adopt a code of conduct, (f) what sanctions might be available, (g) the proposed criminal offence of failing to register interests and (h) the abolition of Standards for England. She was aware that a draft voluntary code of conduct was being circulated amongst London local authorities. She would obtain a copy and forward it to members for their consideration and comment. For the sake of consistency and certainty, it was obviously highly desirable to have a single voluntary code rather than several or even many local variations. Under the new regime monitoring officers would have no responsibility for parish councils, which was a serious cause for concern as to how complainants could or would have their grievances handled. It was very clear that for many local authorities the vast majority of complaints related to parish councillors. She referred members to a Local Government Association e-mail and a Local Government Group/Association of Council Secretaries and Solicitors briefing paper, both of which were appended to the report.

Before the committee considered the specific matters listed in para 5 of the report regarding the future of standards in Chichester, members held a general discussion. They expressed grave concerns in particular about (a) the vacuum that would be created by the abolition of the existing standards regime and (b) the casting adrift of parish councils and those who wished to complain against their members, leaving complainants with few and expensive remedies eg judicial review and parish councils to contend largely unaided with persistent, even vexatious complainants. The Code of Conduct itself was in many ways a suitable, even admirable document. However, undeniably the process for the local assessment of complaints had proved to be cumbersome, bureaucratic and costly in several respects (as some of the cases considered by this Council's sub-committees had demonstrated). The answer to this was not, however, to abandon the control of standards to local choice or whim. It was essential for elected members to be very clear about their individual responsibilities and without such a standards framework, which was a long-held practice both in local government and in many other organisations, there would be an unmanageable situation with regard to upholding standards of conduct. Local residents dissatisfied with their parish councillors could always stand against them at elections.

The committee then expressed its initial views on the decisions that would need to be made regarding the future standards regime at Chichester District Council as set out at A to E in para 5 of the report. These views would be reported to the Corporate Governance and Audit Committee at its next meeting on Thursday 30 June 2011.

- (a) Chichester District Council should have a code of conduct after the Localism Bill had been enacted.
- (b) The replacement code could be the existing statutory Code of Conduct. If at all possible it was desirable to achieve consistency with codes used by other councils.
- (c) It was not sensible or possible at this stage to express detailed views on the procedure for the investigation of complaints. Other than the obvious need to achieve simplicity of process, this must await the provisions of the primary and secondary legislation and associated guidance published by the government.
- (d) It would be strongly advantageous in the post-abolition era that standards committees continued to have independent members, who should have full, equal voting rights, as they did at present, alongside their district and parish council colleagues.
- (e) Sanctions should not consist solely of censure, which would be wholly inadequate and bring any system for the local investigation of complaints into disrepute. It would have little or no effect on a recalcitrant offender and would fail to deal with a range of issues and situations for which a more robust sanction would be required. It was unclear what other sanctions would be available to voluntary standards committees, but at the very least there should be the option of withdrawing for a period of time resources from and/or the payment of allowances to a member in breach of the code of conduct.

RESOLVED

- (1) That the report on The Localism Bill – The Future of Standards is noted.
- (2) That the views of the Standards Committee on the future for standards in Chichester District Council following the enactment of the Localism Bill both generally and specifically at (a) to (e) above should be reported to the Corporate Governance and Audit Committee at its next meeting.

14 Standards Training

Mrs Williams referred to the six subsisting vacancies for independent and parish members and said that it was not proposed to fill those vacancies in view of the pending abolition of the existing standards framework and the fact that the previous committee had been able to function adequately with the same number of vacancies. With six new members across the three categories, it was appropriate to arrange training for them and also refresher training for the experienced members. She invited views on the sort of training members would like to receive. Mr Evans remarked that when sitting on a sub-committee members would receive comprehensive and sound advice from the officers.

Having discussed the matter, the committee was in favour of having a half-day training session during which the Standards for England DVD *Assessment made clear* could be viewed, case studies and/or past sub-committee papers examined and, perhaps, a mock sub-committee meeting held. Mrs Williams noted this request. The training session would be arranged in due course.

15 Late Items

As recorded in minute 6, there were no late items for consideration at this meeting.

[**Note** The meeting ended at 16:08]

CHAIRMAN

Date _____