

STANDARDS COMMITTEE

Minutes of the meeting held at 7.00 pm on 7 February 2012

Present:

Dr Simon Davey (Chairman)
Mr Richard Allen (Vice-Chairman)
Councillor Reg Adams, Councillor Peter Dean, Councillor
Peter Fookes, Mr Nicholas Marcar, Councillor Alexa
Michael, Councillor Gordon Norrie and Mr Jonathan Prince

13 APOLOGIES FOR ABSENCE

There were none.

14 DECLARATIONS OF INTEREST

There were none.

15 MINUTES OF THE MEETING HELD ON 8TH JUNE 2011 AND MATTERS ARISING

The Minutes of the meeting held on 8 June 2011 were agreed as a correct record.

The Committee noted that Mr Marcar had run a Bribery Act presentation in October 2011, which had been thought-provoking and well-received. It was proposed that the Chairman of Audit Sub-Committee might be approached with the suggestion that Mr Marcar be invited to run a briefing session at the next available meeting of that Sub-Committee.

16 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were none.

17 DISPENSATIONS

No requests for dispensations had been received.

18 THE STANDARDS SYSTEM UNDER THE LOCALISM ACT 2011

The Committee was briefed on the provisions being introduced by the Localism Act 2011 which related to the standards regime. Whilst a number of existing arrangements had been removed or changed (such as the national Code of Conduct, the requirement to have a Standards Committee, the role of

independent members on it, and the current system of sanctions) the Act still required authorities to promote and maintain high standards of conduct.

The Constitution Improvement Working Group had been reconvened to bring forward recommendations to Council on potential changes to the Council's structures and processes in the light of the Act, and the Committee commented on a number of standards-related issues to assist that Working Group in their deliberations.

All councils were required to adopt a code of conduct, consistent with certain basic principles. A number of national bodies were working on potential model codes, and the Committee felt that these should be awaited, and examined with an eye to which best fitted local culture and approaches, rather than seek to draw one up in isolation. Similarly, model investigation/complaints processes were being developed by national and professional bodies, and the Committee felt it was sensible to see what ideas were being brought forward before undertaking any detailed local work on these issues.

The Committee felt that a minimum of 2 Independent Persons should be appointed to assist and advise the organisation and individual councillors on any complaints brought forward. They also agreed with the idea that the Chairman of Standards Committee (or the vice-Chairman should he not be available) should be invited to join the appointment panel for these posts. They valued the perspectives brought to bear by the independent members, and also felt that public demonstration of the Council's commitment to independent input to choosing these posts was important.

The Committee considered the issue of whether councillors with a pecuniary interest should withdraw altogether from a meeting, but felt that it was premature to take a view prior to seeing the more detailed regulations defining the exact nature and magnitude of this type of interest.

On the matter of who should be empowered to grant dispensations, the Committee expressed a preference for this to be undertaken by the Urgency Committee, with the Monitoring Officer being given powers to act where a dispensation needed to be granted as an emergency measure because of time constraints precluding Committee consideration.

The Committee expressed a general concern about losing the input and expertise of independent members, and suggested that the Constitution Improvement Working Party explore ways to retain this in some way when it considered where the responsibility and remit for ethical governance issues might lie in the future, whether through a differently constituted standards committee, or within the purview of another body such as General Purposes and Licensing or Audit Sub-Committee. They felt that it would be helpful for the Standards Committee to meet again once the Constitution Improvement Working Party had begun to crystallise ideas for future arrangements in order to comment on their proposals prior to them being finalised and put forward as firm recommendations to Council.

RESOLVED that the following views be passed on to the Constitution Improvement Working Group from the Standards Committee:

- 1) That model codes and investigation processes currently being worked on by national and professional bodies be awaited before any decision or further work is taken on Bromley's local Code or processes;
- 2) The Council should appoint a minimum of two Independent Persons to assist the council in its future work in promoting and maintaining high standards of behaviour, and that the Chairman of Standards Committee should be invited to participate in the selection process;
- 3) A decision on whether councillors with a pecuniary interest should be required to withdraw from a meeting be made once more detailed regulations defining the nature and magnitude of interests that should be taken into account;
- 4) Dispensations should normally be granted by the Urgency Committee, but with provisions for the Monitoring Officer to be able to act where time constraints precluded that Committee's deliberations
- 5) The Working Group consider ways in which experience and expertise of independent members could be retained for the future by any Council committee leading on ethical governance issues for the future; and
- 6) The Standards Committee be invited to reconvene to comment on any more detailed proposals relating to conduct and ethical governance issues coming forward from the Working Group prior to submission for decision by Full Council

19 ETHICAL INDICATORS

The Committee noted the information provided in the report.

The finding of maladministration by the Ombudsman, the first against Bromley for many years, had been partially accepted by the Council. The Ombudsman had not pursued this further, in acknowledgement of the actions taken by the Council to change certain of its processes and practices to guard against a similar situation arising in the future.

20 STANDARDS COMMITTEE WORK PROGRAMME

The Committee did not set a future work programme, pending decisions by Council on how it wished to progress Standards issues in the light of legislative changes arising from the 2011 Localism Act.

Whilst it was not felt appropriate for the Chairman to draw up an Annual Report for the Committee, because of the lack of business caused by the uncertainties surrounding the standards regime over the past year, it was

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suggested that consideration might be given to inviting him to address Council at whichever meeting signed off the new constitutional arrangements.

The Meeting ended at 7.58 pm

Chairman