

STANDARDS COMMITTEE

Minutes of the meeting held at 7.00 pm on 19 June 2012

Present:

Dr Simon Davey (Chairman)
Mr Richard Allen (Vice-Chairman)
Councillor Peter Dean, Councillor Peter Fookes and Mr
Jonathan Prince

Also Present:

Councillor Nicholas Bennett J.P.

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Nicholas Marcar and Councillors Reg Adams, Gordon Norrie and Michael Tickner.

2 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Dr Simon Davey was re-elected as Chairman of the Committee for 2012/13, with Mr Richard Allen continuing as Vice-Chairman.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 MINUTES OF THE MEETING HELD ON 7TH FEBRUARY 2012 AND MATTERS ARISING

Minute 15 (Bribery Act presentation): it was confirmed that a presentation to the Audit Sub-Committee was being considered.

Minute 18 (New standards regime): it was confirmed that if a new Standards Committee was established by the Council it could not have an independent chairman, but the Independent Person(s) would have a statutory role of being consulted before action was taken against a Councillor being investigated, and would have full speaking rights at the Committee's meetings.

Minute 20 (Annual Report): the Committee considered that it would be useful for the chairman to address Council when the new standards arrangements was discussed on 25th June, and the Monitoring Officer undertook to consult the group leaders on this.

RESOLVED that the minutes of the meeting held on 7th February 2012 be confirmed as a correct record.

5 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

6 THE NEW STANDARDS SYSTEM UNDER THE LOCALISM ACT 2011
Report RES12110

The Committee received a report requesting their views on forthcoming changes to the standards system for elected and co-opted members under the Localism Act 2011 which were to be considered by the full Council on 25th June 2012, and seeking decisions on matters within its remit to allow the implementation of the new system on 1st July 2012.

The Monitoring Officer confirmed that, at least for an interim period, current independent members of the Standards Committee could be appointed as Independent Persons under the Act, and an advertisement would be placed on the Council website inviting applications. A full recruitment process was planned for the Autumn, leading to appointments by Council on 12th November.

The Committee discussed the proposal to appoint a new Standards Committee. There was no legal requirement for a committee, and standards issues could potentially be considered by other, existing committees or sub-committees, but the Constitution Improvement Working Group firmly supported it, and the Committee agreed with this. The proposal had been for a new Standards Committee of seven Councillors, but the Committee considered that five members would be more appropriate. The Committee noted and supported that in the proposed new wording for Article 9 in the Council's Constitution regarding the new Committee (Appendix 3 in the report) there was specific reference to a right of independent persons to attend and speak at all meetings of the Standards Committee (9.1 (e)). It was clarified that the reference to Church and Parent Governor representatives (9.2 (b)) was to the statutory co-opted members with voting rights on the Education PDS Committee, but all co-opted members would be expected to follow the Code of Conduct make the appropriate declarations.

RESOLVED that

(1) The Committee endorses the adoption of the model Code of Conduct produced by the Department for Communities and Local Government by Council on 25 June 2012.

(2) The Committee supports the recommendations of the Constitution Improvement Working Group in retaining the need to register all interests presently registered and retaining the Register of Gifts and Hospitality and the existing £25 threshold and agreeing that the Code of Conduct should include these provisions.

(3) That the Council Procedure Rules be amended to:

- (a) require a Councillor with a disclosable pecuniary interest to leave any Council meeting where that interest is being considered unless they have a dispensation, but that if possible a general dispensation should be granted:**
- 1) where a member of the public would be entitled to speak or address the Committee, provided that the Member should not be able to vote or participate in the Committee debate in those circumstances; and**
 - 2) that a Member who is appointed by the Council as a Director of any body may speak on an item relating to that body but may not vote on it,**

subject in both cases to the right of Council to exclude the Member where it considered it appropriate to do so.

(4) That the Council should appoint to the role of independent persons all independent members of the Standards Committee who satisfy the statutory requirements and who wish to fulfil the role as are identified to Council on 25th June 2012.

(5) That the serving independent members of the Committee who wish to serve notify the Monitoring Office of this at the earliest opportunity.

(6) That the Council retains a Standards Committee to comprise five members and that, in accordance with the provisions of Section 17 of the local Government & Housing Act 1989, the political balance rules be waived for the Committee and that the amendments to the Constitution set out in Appendix 3 (attached) to the report be agreed.

(7) That the Committee agree the process for investigating complaints against Councillors set out in paragraph 5.3 of the report and that the Monitoring Officer, in consultation with the Chairman, be authorised to modify the complaints form and publically available literature to reflect the changes.

7 ETHICAL INDICATORS

Report RES12099

The Committee noted information on ethical indicators contained in the report.

8 DISPENSATIONS

No requests for dispensations had been received.

9 COMPLAINTS

No complaints against Councillors had been received.

10 CLOSING REMARKS

Jonathan Prince announced his intention to resign from the Committee.

At the end of the Committee's last meeting in its current form, the Chairman thanked all members of the Committee, both Councillors and independent members, and the supporting officers, including Mrs Sheila Bennett who had now left the Council, for their work.

The Meeting ended at 7.29 pm.

Chairman

APPENDIX

ARTICLE 9

9.1 Standards Committee

The Council will establish a Standards Committee

9.2 Composition

- (a) The Standards Committee will have a membership of seven Councillors, up to five from the largest political group and a minimum of one from each of the next two political groups.
- (b) A Councillor who is a member of the Executive is not eligible to sit on the Standards Committee.
- (c) Ex-Bromley councillors and former Bromley Council employees are not eligible to sit on the Standards Committee unless five years have elapsed since they were a Member or officer.
- (d) The Chairman will be appointed from, and by, members of the Standards Committee and will hold office for one year.
- (e) Independent persons appointed under the Localism Act 2011 shall be entitled to attend and speak at all meetings of the Standards Committee.

9.2 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and Church and Parent Governor representatives.
- (b) Assisting the Councillors, co-opted members and Church and Parent Governor representatives to observe the requirements on declaring pecuniary interests within the Members Code of Conduct and associated local protocols.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols.
- (d) Monitoring and reviewing the operation of the Members Code of Conduct and associated local protocols.
- (e) Developing for recommendation to the Council, local protocols to supplement the members Code of Conduct.
- (f) Enforcing local protocols and applying sanctions in respect of breaches of the members' Code of Conduct as appropriate.

Standards Committee
19 June 2012

- (g) Advising, training or arranging to train Councillors, co-opted members and Church and Parent Governor representatives on matters relating to the declaration of pecuniary interests, Members' Code of Conduct and associated local protocols.
- (h) Hearing cases against Councillors in consultation with the Independent Person.
- (i) To keep under review, amend and make additional provisions to the Protocol on Member/Officer relations.
- (j) To monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide.
- (k) General overview of probity matters arising from Ombudsman reports, Monitoring Officer reports, Audit Committee reports and ethical indicators.