

STANDARDS COMMITTEE

6 September 2012

Attendance:

Councillor Read (Chairman) (P)

Councillors:

E Berry (P)
Chamberlain (P)
Clear (P)

Johnston (P)
Nelmes (P)
Phillips

Also in Attendance

Councillor Wood (Leader of the Council)
Councillor Godfrey (Portfolio Holder for Finance and Administration)
Councillor Learney

Parish Representatives in attendance:

Ms J Bond and Mr J Watson

1. **APOLOGIES**

Apologies for absence were received from Councillor Phillips.

2. **APPOINTMENT OF VICE CHAIRMAN FOR THE 2012/13 MUNICIPAL YEAR**

RESOLVED:

That Councillor Chamberlain be appointed Vice Chairman of the Committee for the 2012/13 Municipal Year.

3. **LOCALISM ACT – NEW CODE OF CONDUCT**
(Report ST93 refers)

The Corporate Director (Governance) explained that, since publication of the report, representations had been received seeking discontinuance of the practice of Portfolio Holders declaring interests at the beginning of scrutiny meetings (and then the body concerned deciding whether or not it was appropriate for them to remain in the meeting).

Members were advised that it would be possible to cease this practice and, instead, have regard to the particular circumstances of the business being scrutinised and the level of involvement of the Portfolio Holder concerned, before deciding whether the scrutiny committee considered that it was prejudicial for its deliberations for the Portfolio Holder to remain. The Committee agreed that this revised approach was sensible and should be adopted, which would require deletion of paragraph 3 of Part 9 of the draft Code and an appropriate provision in the Council's Procedure Rules.

The meeting then discussed the position of those Members who were either County Councillors or County Council employees and whether, for example, being a County Councillor was an 'office....carried on for profit or gain.' Bearing in mind that the County Council had varying levels of involvement in many City Council matters, it was asked how the overall situation could be simplified when declaring interests.

The Corporate Director (Governance) suggested that, for the time being and for the avoidance of doubt, the most straightforward solution could be for those Members to seek a dispensation allowing them to participate in meetings, except where a clear conflict of interests existed. This was agreed, with the Corporate Director (Governance) to have a delegation to deal with an application for up to six months. Longer term dispensations would be dealt with by the Standards Committee. The Committee added that the dispensation should be widened to include public bodies generally.

During further debate, it was also agreed that clearer guidance was required about when a Member should leave a meeting.

RECOMMENDED

- 1. THAT, SUBJECT TO DELETION OF PARAGRAPH 3 IN PART 9, THE DRAFT REPLACEMENT CODE OF CONDUCT (AS SET OUT IN APPENDIX 3) BE APPROVED AND ADOPTED.**
- 2. THAT THE REGISTER OF INTERESTS FORM BE RESTRICTED TO THE STATUTORY REQUIREMENTS FOR DISCLOSABLE PECUNIARY INTERESTS, PLUS GIFTS AND HOSPITALITY OF AT LEAST £50.**
- 3. THAT GUIDANCE CONTINUES TO BE ISSUED TO CITY COUNCILLORS TO COMPLETE AN ANNUAL UPDATE OF THE REGISTER OF INTERESTS FORM.**
- 4. THAT, IN THE INTERESTS OF OPENNESS AND TRANSPARENCY, THE CODE CONTINUES TO MAKE PROVISION FOR THE DECLARATION OF PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS, IN ADDITION TO THE MINIMUM STATUTORY REQUIREMENTS FOR DISCLOSABLE PECUNIARY INTERESTS.**

5. THAT ALL TOWN AND PARISH COUNCILS BE ADVISED TO ADOPT THE REGISTER OF INTERESTS FORM AND CODE ADOPTED BY THE CITY COUNCIL AND THAT THE CORPORATE DIRECTOR (GOVERNANCE) BE AUTHORISED TO MAKE ANY CONSEQUENTIAL EDITING ADJUSTMENTS TO PROVIDE TEMPLATES FOR USE BY THEM.

6. THAT THE FUTURE TRAINING AND WORK PROGRAMME AS OUTLINED IN PARAGRAPH 9 OF THE REPORT BE NOTED.

7. THAT THE DATE MEMBERS ARE REQUIRED TO COMPLETE THE NEW REGISTER OF INTERESTS FORM BE EXTENDED TO 19 OCTOBER 2012, BECAUSE OF THE DELAY CAUSED BY THE ISSUE OF THE DCLG GUIDANCE.

8. THAT THE CORPORATE DIRECTOR (GOVERNANCE), IN CONSULTATION WITH THE CHAIRMAN, BE AUTHORISED TO ISSUE DISPENSATIONS ALLOWING COUNCILLORS WHO WERE ALSO MEMBERS OF PUBLIC BODIES TO PARTICIPATE IN MEETINGS EXCEPT WHERE A CLEAR CONFLICT OF INTERESTS EXISTED, FOR PERIODS OF UP TO SIX MONTHS.

9. THAT THE CORPORATE DIRECTOR (GOVERNANCE) BE AUTHORISED TO UPDATE THE COUNCIL'S PROCEDURE RULES IN THE CONSTITUTION ABOUT THE CIRCUMSTANCES WHEN MEMBERS SHOULD BE REQUIRED TO LEAVE A MEETING, TO REFLECT THE DECISIONS MADE ABOVE ABOUT THE CODE OF CONDUCT.

At this point, Councillors Godfrey and Learney and Ms Bond and Mr Watson left the meeting. At the invitation of the Committee, Councillor Wood remained for the following items.

4. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following item of business because it is likely that, if members of the public were present, there would be disclosure to

them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Appointment of Independent Persons to serve on the Standards Committee) Information relating to a particular individual. (Para 1 to Schedule 12A refers).)))

5. **APPOINTMENT OF INDEPENDENT PERSONS TO SERVE ON THE STANDARDS COMMITTEE**

(Report ST94 refers)

Councillor Johnston declared a personal (but not prejudicial) interest in the above report, because he knew of one of the applicants as a fellow Justice of the Peace, but they were not closely acquainted.

The Committee considered the above report and made recommendations about the appointment of Independent Persons (details in exempt minute).

The meeting commenced at 6pm and concluded at 7.15pm.