

STANDARDS COMMITTEE

28 September 2015

Attendance:

Councillor E Berry (Chairman) (P)

Councillors:

Izard (P)
Johnston (P)
Mather (P)

Osborne
Phillips (P)
Rutter

Parish Representatives (non-voting co-optees) in attendance:

Ms J Bond, Mr J Chapman and Ms M Hill

Independent Persons (non-voting advisors) in attendance:

Mr B Bailey, Canon Dr R Lindley and Mr J Spokes

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee (less exempt item) held on 18 March 2015 be approved and adopted.

2. **STANDARDS ISSUES - UPDATE**

(Report ST110 refers)

The Chief Operating Officer advised that the information in the report (and others on the agenda) together with discussions in the meeting would help bring the Committee up to date on relevant matters and processes. This would be particularly useful for those Councillors, Independent Persons and Parish Representatives newly appointed to the Committee.

The Committee acknowledged that although there had been relatively few Code of Conduct complaints to date, officers continued to provide informal advice on related matters. The Chief Operating Officer also provided an update on complaints dealt with by Standards Sub Committees during the previous year.

The Committee referred to paragraph 2 of the Report and it was agreed the Independent Persons and Parish Representatives once again informally evaluate meetings of Cabinet, The Overview and Scrutiny Committee,

Planning Committee and additionally; the Winchester Town Forum. These would take place in the Autumn and January – February 2016. The Chief Operating Officer clarified that the monitoring process was intended to be a reasonably informal approach to ascertain any learning points that may not have been immediately apparent to the officers or to the committee members. A report of the findings of the monitoring would be brought to a future Standards Committee meeting for discussion before being shared with the respective chairmen.

At the suggestion of the Chief Operating Officer, it was agreed that a further question be added to the Questionnaire with regard to whether any Code of Conduct Issues arose during the meeting? It was also suggested that any comments on the general approach of the Chairman and other Members at the meetings be added under 'general comments'.

The Committee was reminded that the next Code of Conduct training session for the parishes was to be held in Bishops Waltham on Monday 5 October.

RESOLVED:

That the Independent Persons and Parish Representatives undertake further evaluation of meetings of Cabinet, The Overview and Scrutiny Committee, Planning Committee and also the Winchester Town Forum to ascertain the level of compliance with the Code of Conduct and other guidance.

3. **ARRANGEMENTS FOR CONSIDERING COMPLAINTS** (Report ST109 refers)

The Chief Operating Officer outlined in detail the Guidance as appended to the Report, including the context of the Localism Act 2011 and the previous Standards Board regime. He reiterated that the previous Code of Conduct was more prescriptive and had more significant sanctions available in the event of disciplinary action being taken.

Public censure was now the maximum sanction available and therefore, when compared to the relative cost of investigations and hearings, it was usually more appropriate for the Committee to set standards and to promote these.

The Chief Operating Officer also highlighted that the complaint process was about the public role of councillors and their ethical conduct and was not about policy decisions to which they may have been party to. He also reiterated that complaints related to disclosure of Disclosable Pecuniary Interests and Register of Interest forms were potentially a criminal offence and not necessarily a local matter for the Committee.

With regard to the complaint process in general, it was not in the public interest to investigate potential complaints when there was insufficient background detail provided, or if the form had not been completed or received in a timely fashion. In such cases, officers would respond with any general

advice and also requesting the necessary further detail as to why the matter was potentially a breach of the code.

RESOLVED:

That the report be noted.

4. **DISPENSATIONS – 2015/16 UPDATE**
(Report ST111 refers)

Councillor Mather declared a disclosable pecuniary interest in respect of the report due to her role as a County Councillor, which required a dispensation to be granted to allow her to take part in matters discussed when there was a County Council involvement and where there was no material conflict of interest. As the report dealt with the renewal of the dispensation, Councillor Mather therefore left the room during its consideration.

The Chief Operating Officer introduced the Report and responded to questions from the Committee. With regard to granting of dispensations in relation to Disclosable Pecuniary Interests for Members who were Hampshire County Councillors, he acknowledged that this Council perhaps took a more cautious approach. However, the legislation was poorly worded and, in line with guidance, it was considered appropriate to provide these Councillors protection in the event of possible challenge. Regard was also had to overall political proportionality when granting dispensations and was a particular consideration for this Council.

RESOLVED:

That the current position be noted and the dispensations in the report be confirmed until the ordinary elections in 2016.

5. **OFFICER EMPLOYMENT PROCEDURE RULES – THE LOCAL AUTHORITIES (STANDING ORDERS) (AMENDMENT) REGULATIONS 2015**
(Report PER272 refers)

The Chief Operating Officer explained that that the Council had adopted the revised Officer Employment Rules at its meeting on 23 July 2015. In summary, it was explained the Independent Persons would now have a role in any disciplinary procedures taken against any of the Council's statutory officers.

RESOLVED:

That the report be noted.

6. **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 items 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>
###	Exempt Minute of previous meeting held 18 March 2015:	Information relating to any individual (Para 1 Schedule 12A refers)
	• Appointment of Independent Persons and Parish Representatives – Exempt Appendices	
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7. **EXEMPT MINUTES**

RESOLVED:

That the exempt minutes of the previous meeting of the Committee held on 18 March 2015 be approved and adopted.

The meeting commenced at 6.15pm and concluded at 7.45pm.

Chairman