

STANDARDS COMMITTEE

HELD: 12 JUNE 2008

Start: 4.30pm

Finish: 5.55pm

PRESENT:

Independent Members: J Cailes (Chairman)
P Hanmer (Vice Chairman)
R Chester
P Hayman
R Patterson

Councillors: Mrs Atherley
Rice
G M Roberts
Whitby

Parish Councillors: Cheetham
Hammond
Kitson

Officers: Council Secretary and Solicitor
Assistant Member Services Manager

1 APOLOGIES

There were no apologies for absence.

The Chairman welcomed Councillors G M Roberts, Rice and Whitby and Parish Councillor Cheetham to the committee and thanked Councillors Dereli and Grant for their contribution as they were no longer members.

2 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 MINUTES

RESOLVED: That the minutes of the Standards Committee held on 22 April 2008 be approved as a correct record and signed by the Chairman.

5 STANDARDS COMMITTEE - MEMBERSHIP AND APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

The Committee considered the report of the Council Secretary and Solicitor, previously submitted to Council on 21 May 2008, which set out the membership of the Standards Committee and appointed the Chairman and Vice Chairman for 2008/9.

The Committee was advised that Council on 21 May 2008 had agreed the following:

- 1 That the number of Parish Council representatives be increased by one and the Standards Committee therefore comprise of 12 members, namely 5 independent members, 3 Parish representatives, 2 Conservative and 2 Labour members.
- 2 That John Cailes be appointed to serve for a further four year term as an independent member on the Standards Committee until the date of the Annual Meeting of the Council in May 2012.
- 3 That Parish Councillors David Kitson, Michael Hammond and Andrew Cheetham be appointed to serve for a four year term as the Parish Council representatives on the Standards Committee until the date of the Annual Meeting of the Council in May 2012, in accordance with Standards Board advice and the Parish Councils be advised accordingly.
- 4 That the appointment of all other members of the Standards Committee be as indicated on the appendix circulated at Council namely:

Extract from Appendix

(12 Members - 2 Con 2 Lab plus 5 independent members and 3 parish representatives) – (Political balance does not apply).

Independent/Co-opted members:

Mr J Cailes (2012) (Chairman)

Mr P Hanmer (2009) (Vice-Chairman)

Professor R. Chester (2010), Dr Peter Hayman (2010) and R. Patterson (2011)

Conservative:

Councillors Mrs. Atherley and G.M. Roberts.

Labour:

Councillors Rice and Whitby

Parish

Representatives:

Parish Councillor Cheetham (2012)

Parish Councillor Hammond (2012)

Parish Councillor Kitson (2012)

Must have at least 2 Councillors, may not include the Leader, no more than one Member who is a Member of the Cabinet can be on it, 25% must be independent of the Council, Chairman must be Independent. Must have at least 2 Parish representatives.

- 5 That the Council Secretary and Solicitor be given authority, in consultation with the Chairman of the Standards Committee, to put in place proper procedures, as referred to in paragraph 5.5 of this Report, to appoint independent members from another authority on a temporary basis should the need ever arise.

- 6 That the Council Secretary and Solicitor, in consultation with the Chairman of the Standards Committee, be given authority in an emergency, to appoint a Parish representative on a temporary basis, in the first instance by going to other nominees on the list, and to advise the Parish Councils of this.
- 7 That John Cales and Paul Hanmer be appointed as Chairman and Vice-Chairman respectively for the period ending with the next Annual Meeting of the Council.

RESOLVED: That the report and the resolution of Council be noted and endorsed.

6 STANDARDS COMMITTEE AND STANDARDS SUB COMMITTEES

The Committee considered the report of the Council Secretary and Solicitor which outlined changes in the role of the Standards Committee arising from the Local Government and Public Involvement in Health Act 2007, whereby the Committee from 8 May 2008 has responsibility for assessing and reviewing complaints against members of the District and Parish Councils. The report detailed the revised terms of reference for the Standards Committee and its existing Sub-Committee and sought to create new Sub-Committees with appropriate Terms of Reference including a suggestion for the establishment of a Recruitment of Independent Members Panel to assist in the appointment of independent members to serve on the Standards Committee.

The Committee was advised that Council on 21 May 2008 had agreed the recommendations.

- RESOLVED :
- A That the revised Terms of Reference and authority for the Standards Committee and the Local Determination/Investigation Hearings Sub-Committee set out in Appendix 2 to the report be agreed.
 - B That an Assessment Sub-Committee and a Review Sub-Committee be established by the Standards Committee comprising 3 Members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee, each with Independent Chairmen and with the Terms of Reference and authority set out in Appendix 2. Each Sub-Committee to have one elected Member and at least one Parish Representative when a Parish Council matter is being considered.
 - C That a Recruitment of Independent Members Panel be established by the Standards Committee comprising 3 Members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee with the Terms of Reference and authority set out in Appendix 2 to the report.

7 PUBLICATION OF ADDRESS TO WHICH WRITTEN ALLEGATIONS SHOULD BE SENT

The Committee considered the report of the Council Secretary and Solicitor that sought to agree the manner in which details of the address to which written allegations of breach of the Code of Conduct under section 57A(1) of the Local Government Act 2000 should be sent.

- RESOLVED:
- A That the action taken by the Council Secretary and Solicitor as set out in paragraph 4.0 of the report be noted and endorsed.
 - B That the Council Secretary and Solicitor be given authority to take reasonable steps to ensure that the details published under Regulation 10(1) continue to be brought to the attention of the public and that any changes to those details are promptly published.
 - C That the Council Secretary and Solicitor explore if it would be appropriate to include details in the Citizens Guide of the Standards Committee and how to make complaints about Members under the Code of Conduct.

8 PROCEDURE FOR THE INITIAL ASSESSMENT OF WRITTEN COMPLAINTS OF BREACH OF THE CODE OF CONDUCT INCLUDING ASSESSMENT CRITERIA

The Committee considered the report of the Council Secretary and Solicitor together with an updated draft of the procedures to be followed in respect of written complaints of breach of the Code of Conduct received under Section 57A(1) of the Local Government Act 2000 (the Act) which included the Assessment Criteria and relevant documentation and sought approval of the method of publication of the same.

- RESOLVED:
- A That the procedure to be followed in respect of written complaints of breach of the Code of Conduct received under Section 57A(1) of the Act be as circulated as Appendix 1 to the report, and the assessment criteria and documentation contained therein be approved, subject to the deadline for complaints being reduced to 3 months and the other minor amendments then identified.
 - B That these procedures be published as required by Regulation 10(3) by putting them on the Council's website and having copies available on request.
 - C That the Council Secretary and Solicitor update the procedures and develop the standard documentation as required.

9 NEW DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS 2007

The Committee considered the revised Declaration of Interest Checklists which the Council Secretary and Solicitor had prepared in accordance with the 2007 Code of Conduct, for the assistance of Members and drew particular attention in relation to the overview and scrutiny provisions.

RESOLVED: That the checklists for meetings be noted and endorsed.

THE CHAIRMAN