

**STANDARDS COMMITTEE****29 February 2012 at 6.30 pm**

**MEMBERS:** Councillors Richard Clifton, Stuart Gordon-Bullock, Sue Stears, Simon Wales, Myfanwy Wallace, Mr Anthony Hazeldine and Mr David Wales (Vice-Chair).

**ABSENT:** Mr Peter Struik.

**Also present:** Councillor Tim Crowley.

**191. MINUTES**

The Minutes of the meeting held on 30 January 2012 were approved as a correct record, subject to the insertion of the following paragraph after the fourth paragraph of the preamble to Minute 63/12, and signed by the Chair:-

“Members’ expressed significant strength of feeling regarding the changes to the standards regime introduced in the Localism Act 2011 and their opposition to them, particularly the loss of the role of the co-opted Independent Member.”

**192. FUTURE STANDARDS REGIME**

The Committee gave further consideration to their decisions in Minute 63/12 in respect of the composition of the Standards Committee and the number of Independent Persons, and the composition of the interviewing panel therefor, and also considered the composition of the Standards Sub-Committee. Members wished to retain a role for the current co-opted Independent Members as members of the Committee, in addition to the new Independent Person, albeit that they would no longer be able to vote, and expressed a view that one of those Independent Members should chair the Committee.

Further to Minute 63/12, the Committee considered a draft Code of Conduct and draft arrangements for dealing with complaints of a failure to comply with that Code of Conduct. Although the Association of Council Secretaries and Solicitors had produced an initial draft code that could be adopted nationally they were not intending to do any further work on it until regulations covering the statutory ‘disclosable pecuniary interests’ were published, but that might not be until after the last Council meeting before the implementation date of 1 July 2012. It was understood that the Local Government Association was also producing a code, but that too might not be available in time for adoption by the Council. The Council would be able to review and amend its adopted Code of Conduct at any time.

The draft Code set out the seven principles required by section 28 of the Localism Act 2011 and its scope was similar to the existing code of conduct. The draft Code then listed the general obligations of members, which were essentially a re-working of those in the existing code. Because the ‘disclosable pecuniary interests’ would be governed by the criminal law they would not be included in the Code. However the draft Code referred to other pecuniary and non-pecuniary interests, and contained provisions governing their disclosure and members participation in meetings where they should be declared.

The draft arrangements for dealing with complaints followed the guidance given by the Committee at their previous meeting. The Monitoring Officer would have discretion to seek an informal resolution of a complaint, but would have to consult the Independent Person, as required by section 28(7) of the Localism Act 2011, before referring a complaint for investigation. If the investigating officer concluded that there had not been a failure to comply with the Code of Conduct the

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Monitoring Officer would be able to write to the complainant and the member informing them that no further action would be taken. If the investigating officer concluded that there was evidence of a failure to comply with the Code of Conduct the Monitoring Officer would refer the matter to a Standards Sub-Committee for a hearing, as at present. The Monitoring Officer could, alternatively, seek resolution of the complaint. If there was a hearing the Independent Person would attend to give advice but could not vote. The Independent Person would be involved at each equivalent stage of the arrangements as the co-opted Independent Member was currently.

It was explained that, whilst the Council could continue to appoint the existing co-opted Independent Members their periods of office would end shortly and their statutory role and voting right would cease on 1 July 2012. Any continuing role would thus be akin to that of the Independent Person, but without any statutory authority.

The Committee considered the draft arrangements and made a number of minor textual amendments. They also considered the composition of the proposed Standards Sub-Committee that would consider complaints where there was evidence of a failure to comply with the Code of Conduct and, notwithstanding the potential difficulty of an unresolved conflict in reaching any decision, suggested that the Sub-Committee should comprise one councillor from each of the two political groups and the Independent Person.

**Resolved:** (i) That the recommendations in Minute 63/12 be amended, so far as is necessary, to RECOMMEND instead that the Standards Committee to be established from 1 July 2012 comprise five councillors (three Liberal Democrats and two Conservative), two Independent Members (continuing the role of the existing co-opted Independent members) and one Independent Person (provided for in section 28(7) of the Localism Act 2011).

(ii) That the recommendations in Minute 63/12 be amended, so far as is necessary, to RECOMMEND instead that in addition to the Independent Person (provided for in section 28(7) of the Localism Act 2011) the Council also appoint an alternate Independent Person who is able to substitute for the Independent Person when necessary.

(iii) That a Standards Sub-Committee comprise one councillor from each of the two political groups on the Council and the Independent Person.

(iv) That the Community Leadership Advisory Group and The Executive consider:-

(a) whether the Standards Committee should be chaired by a councillor, an Independent Member or the Independent Person; and

(b) the inclusion of one or more councillors in any interviewing panel for Independent Members and the Independent Person.

**RECOMMENDED:** (i) That the draft Code of Conduct set out as Appendix A to these Minutes be adopted with effect from 1 July 2012.

(ii) That, notwithstanding the decision in resolution (i) above, the Standards Committee be authorised to substitute for the Code of Conduct any London-wide or national code that contains similar provisions and becomes available subsequent to the meeting of the Council on 30 April 2012 and prior to the implementation of the Code on 1 July 2012.

(iii) That the draft arrangements for dealing with allegations of a failure to comply with the Code of Conduct, as amended and set out as Appendix B to these Minutes, be adopted.

**193. DATE OF NEXT MEETING**

**Resolved:** To note that the next scheduled meeting of the Committee is on Wednesday, 25 April 2012.

The meeting ended at 8.13 pm

Chair: .....  
Date: .....

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