

STANDARDS COMMITTEE

25 April 2012 at 7.30 pm

MEMBERS: Councillors Richard Clifton, Stuart Gordon-Bullock, Sue Stears and Simon Wales, and Mr Anthony Hazeldine (Chair) and Mr Peter Struik.

ABSENT: Councillor Myfanwy Wallace and Mr David Wales.

399. MINUTES

The Minutes of the meeting held on 29 February 2012 were approved as a correct record, and signed by the Chair.

400. CODE OF CONDUCT

By Minute 192/12 the Committee, in recommending the adoption of a new Code of Conduct in compliance with the Localism Act 2011, had expressed a wish to consider substituting an alternative code that might become available and could be adopted London-wide or nationally.

It was reported that the Council had recently received two other forms of wording that could form the basis of a code of conduct. One was from the Department for Communities and Local Government (DCLG) and was described as an illustrative text for a code, and the other was from the Local Government Association (LGA) and was described as a template for a code. Copies of both were submitted. Both forms of wording lacked the local input required to cover non-disclosable pecuniary and non-pecuniary interests.

The provisions of the DCLG document were virtually identical to those in the Code of Conduct already recommended for adoption, but the latter also specifically referred to the need to treat others with respect and not to bully any person – both issues that had featured in all of the few complaints received by the Council.

The LGA document also covered all of the points in the DCLG document but the wording was much looser and less defined, and the emphasis was on the work of a councillor (so was not appropriate for a co-opted member) rather than members' conduct in the way they carried out that work.

Because there were now two suggested documents available, in addition to any that local authorities, like Sutton, had already produced, or may yet produce, it was unlikely that any one document would now be adopted nationally, or even London-wide.

Members considered that both of the alternative texts were deficient and that there would be no benefit in substituting either of them, but it was suggested that one paragraph in the DCLG text should be incorporated in the Code of Conduct previously recommended for adoption.

Resolved: To note the alternative texts submitted.

RECOMMENDED: That the Code of Conduct referred to as Appendix E in the recommendation in Minute 286/12 be altered by the insertion of the following as a new paragraph 13, and the subsequent paragraphs be re-numbered:-

13. Do not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

401. ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS

By Minute 192/12 the Committee had recommended a procedure for dealing with allegations that a member had failed to comply with the Council's Code of Conduct. An amended procedure had been submitted subsequently to the Community Leadership Advisory Group and had been recommended by them for adoption. The main difference between the procedure recommended by the Committee and that now recommended to the Council was that any hearing would be undertaken by a Code of Conduct Panel rather than a Standards (Hearing) Sub-Committee. The Panel would comprise one councillor from each party group and an Independent Member, with the Independent Person as adviser. Because the Panel would not be a committee or sub-committee of the Council the Independent Member would be able to chair the hearing and exercise a vote.

The amended procedure was submitted for information.

Resolved: To note.

402. STANDARDS COMMITTEE

(a) Appointment of Independent Members

By Minute 192/12 the Committee had recommended that a Standards Committee be established from 1 July 2012 comprising 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).

It was reported that the Committee presently had three Independent Members who had been appointed under the Local Government Act 2000 for various terms, mostly of three years, subject to a maximum of nine years, in accordance with Minute 460/06. It was considered that there was insufficient time to devise and implement a process to select two of those three members that would enable adequate notice of a recommendation to be put to the Annual Meeting of the Council in May 2012.

RECOMMENDED: That the three existing Independent Members be re-appointed on an annual basis until such time as one of them no longer wishes to serve, at which point the remaining two Independent Members continue to be re-appointed until such time as one of them no longer wishes to serve and that vacancy then be advertised by public advertisement.

(b) Chair

Further to Minute 192/12, members were reminded that they had previously indicated a preference for the Committee to be chaired by an Independent Member, albeit that, as a result of the Localism Act 2011, such members would no longer have a vote. An Independent Member could not therefore exercise a casting vote in the event of an equality of votes, and for that reason the advice had been that they could not chair a meeting.

It was reported that there was no known legislative provision that precluded a non-councillor (without a vote) from chairing a local authority meeting. There had been occasions elsewhere where party groups had had an equality of members following an election and an officer had had to conduct meetings to deal with council business because the party groups could not agree on a chair. Such arrangements usually operated only temporarily and were reached for purely pragmatic reasons, but officers were not aware that they had ever been challenged.

It therefore appeared possible that the Standards Committee could be chaired by an Independent Member providing the limits of that person's role and the possible consequences of an equality of votes were accepted.

RECOMMENDED: That an Independent Member chair meetings of the Standards Committee.

403. INDEPENDENT PERSON - PERIOD OF APPOINTMENT

Section 28(7) of the Localism Act 2011 required the Council to appoint an Independent Person whose advice had to be sought in connection with an alleged failure to comply with the Council's Code of Conduct. By Minute 192/12 the Committee had decided that the Independent Person should also be a member of the Standards Committee and advise at hearings conducted by the Code of Conduct Panel.

The appointment had to be filled following public advertisement and approved by a majority of the members of the Authority. Members were asked to indicate an appropriate period of appointment.

RECOMMENDED: That the Independent Person be appointed for a period of one year in the first instance with the possibility of extending the appointment for a further period of two years.

404. DATE OF NEXT MEETING

Resolved: To note that the next scheduled meeting of the Committee will be on Wednesday, 20 June 2012.

The meeting ended at 8.01 pm

Chair:
Date: