

**STANDARDS COMMITTEE**  
**8<sup>th</sup> December 2010**

Present: Councillors: Andrew Baldwin, Duncan England, Pat Rutherford,  
Claire Vickers

Parish Council Representatives: David Coldwell, Alan Grant,  
David Herson

Independent Representatives: Eric Blackburn (Chairman), Mary  
Jagger (Vice-Chairman), Paul Byford, David Tilsley

Apologies: Councillors: Sheila Matthews, Keith Wilkins

SC/22 **MINUTES**

The minutes of the meeting of the Committee held on 22<sup>nd</sup> September 2010 were approved as a correct record and signed by the Chairman.

SC/23 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/24 **ANNOUNCEMENTS**

The Chairman reported that he had attended the annual meeting of the Horsham Association of Local Councils (HALC). He had briefed HALC on the proposed changes to the standards regime and asked them to consider whether it would still be productive to carry out the planned Parish Mentoring Scheme. They would communicate a decision on this to the Chairman.

SC/25 **MINUTES OF THE LOCAL DETERMINATIONS SUB- COMMITTEE ON 25<sup>TH</sup> OCTOBER 2010**

The minutes of the meeting of the Local Determinations Sub-Committee held on 25<sup>th</sup> October 2010, including the full decision notice, were received.

SC/26 **MINUTES OF THE LOCAL ASSESSMENT SUB- COMMITTEE ON 17<sup>TH</sup> NOVEMBER 2010**

The minutes of the meeting of the Local Assessment Sub-Committee held on 17<sup>th</sup> November 2010 were received.

SC/27 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/28 **REPORT BY PARISH COUNCIL REPRESENTATIVES**

Alan Grant reported that HALC had been grateful for the attendance of the Chairman at their meeting.

General consensus at parish councils was that the Parish Mentoring Scheme would not be welcomed until the future of the standards regime was clearer.

Parish councils wanted to know what local procedures would replace the local standards framework to be abolished by the Localism Bill.

SC/29 **REPORT BY MEMBERS OF THE ASSOCIATION OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES IN ENGLAND (AIMSCE)**

Mary Jagger reported that she had attended the AIMSCE meeting in October. The overwhelming feeling of members had been that the standards framework had been a force for good. The role of independent members had been a useful one and had helped to improve the morals of local authorities. Members were hopeful that a statutory code of conduct would remain in place if the rest of the standards framework were to be abolished.

AIMSCE would not continue to operate if standards committees were abolished by the Localism Bill. It was anticipated that a resolution to wind up the formal association would be put before the association at its annual general meeting in mid-January.

Since the regional AIMSCE meetings were not a formal part of the association these could continue even if the formal association was wound up. The regional meeting scheduled for March would be likely to go ahead.

Members were concerned about the future of parish councils due to the proposed reforms in the Localism Bill.

SC/30 **ETHICAL FRAMEWORK UPDATE**

The Monitoring Officer reported on developments in the ethical framework that affected the role and activities of Councillors and the Council's business, including:

- Abolition of the standards regime: A letter from Bob Neill MP which stated that the government intended to abolish the regime in its entirety had been sent to Standards for England. Standards for England had circulated a copy of the letter to all Standards Committee Chairs. The Relevant Authorities (General Principles) Order 2001 and the Local Authorities (Model Code of Conduct) Order 2007 would be revoked; the requirement for local authorities to have standards committees would be abolished; Standards for England would be abolished and none of its functions would be transferred to other bodies; and the First Tier

SC/30 Ethical Framework Update (cont.)

Tribunal would lose its jurisdiction over the conduct of local authority members. The Localism Bill would effect these changes.

The current regime would continue to operate as normal until around two months after the bill received Royal Assent, which was anticipated to be in late-2011. Transitional measures would be put in place to deal with any cases which were still ongoing after the abolition of the regime.

There would be a continuing obligation on councillors to register and declare personal interests. Wilful failure to comply would lead to criminal sanctions although it was unclear who would prosecute in such cases.

The Committee considered that this may make people less likely to stand for election as councillors.

The requirement for local authorities to have a standards committee and adopt a model code of conduct would be abolished but authorities would be free to adopt their own, voluntary committees and codes. Voluntary committees would be able to censure but not suspend or disqualify members. The Committee considered that the Council should retain a voluntary standards committee. The Committee considered that it would be vital for the Council to have a voluntary code once the statutory regime was abolished.

Parish clerks had enquired as to where parish councils would stand following the reforms. It was considered likely that no further help in relation to standards matters would be given to parish councils by the Council. The Council would probably not be able to assist them with drafting their individual codes of conduct. Parish councils would have to consult bodies such as HALC, the Sussex Associations of Local Councils and the National Association of Local Councils for guidance in the future. It was a concern therefore that a number of parishes were terminating their memberships with such bodies in order to cut costs. It was considered that a message should be sent out to the parish councils outlining the consequences of the Localism Bill for them and stressing the importance of such memberships.

It was considered that any voluntary scheme would need to be ready to take effect as soon as the statutory standards regime ceased to apply.

- Public Bodies Bill: The purpose of this bill was to set a statutory framework for the coalition government's proposals to review a large number of non-departmental public bodies, some non-ministerial departments and some public corporations. There were six schedules which listed those bodies subject to the powers the bill created. Standards for England was not in those schedules but was listed in a seventh schedule which contained further bodies which could become subject to the powers of the bill following an Order to that effect.
- The Department for Communities and Local Government (DCLG) had published a Business Plan. This outlined some of the provisions which would be contained in the Localism Bill. It was anticipated that the Localism Bill would be published in December 2010 although it was possible that it would be pushed back until January or February 2011.

SC/30 Ethical Framework Update (cont.)

- Bias: Eric Pickles had indicated that the government intended to clarify the law on bias in the forthcoming Localism Bill by making it clear that councillors have a right to a preliminary view on decisions they are to take part in. They would be allowed to freely discuss and publicise their view and voting intentions on the basis that they must be prepared to listen to all of the arguments and evidence before making their decision.
- Code of Recommended Practice on Local Authority Publicity: The response by the Association of Council Secretaries and Solicitors was considered. The revised code was due to be introduced on 1 January 2011.
- Parish Clerks' Meeting: The Deputy Monitoring Officer reported that she had attended the meeting of the Society of Local Council Clerks on 12 October 2010 to provide the clerks with an update on the government's outlined proposals in the Localism Bill and the future of the standards regime. She had agreed to send the clerks a letter updating them on the future of Standards for England. The clerks had asked if a letter could be sent out to the parish councils reminding them that the existing standards regime had to be adhered to until it was abolished by statute.
- Local Assessment, Review, Other Action, Investigations and Determinations: Since the last meeting in September five new complaints had been received for assessment or review. No other action had been directed. One local determination had recently been completed. The Local Determinations Sub-Committee had found no breach of paragraphs 5, 6(a) and 12(1) of the Code of Conduct but had found a breach of paragraph 9(1). A sanction had not been considered appropriate however.
- Freedom of Information requests.
- Performance Management.
- Data Protection – The Deputy Monitoring Officer reported that a potential breach of the Data Protection Act by the Council had recently been reported to the Information Commissioner's Office (ICO), who had decided that although there had probably been a breach no regulatory action was required. The ICO had recently started to take more action and impose more fines for breaches of the Act and it was important to ensure that training on data protection was provided for staff.
- Regulation of Investigatory Powers Act 2000 – The Deputy Monitoring Officer reported that the Office of Surveillance Commissioners had released a new Procedures and Guidance document which formed the basis upon which investigations would be conducted and performance assessed.
- A Local Government Ombudsman's case update for September 2010 to December 2010.
- A Standards for England case review for September 2010 to December 2010.
- Constitution Update: Changes to the Scheme of Delegation to Officers had been approved by Council. The Director of Corporate Resources was preparing consequential amendments to the Constitution following

SC/30 Ethical Framework Update (cont.)

the restructure. Further changes to the Constitution with regard to the new Petition Scheme and new governance arrangements had also been agreed by Council. The changes to the governance arrangements required by statute had not required extensive changes to the existing model since the Council already had a leader who was elected for four years. The Association of Council Secretaries and Solicitors was working on a revised draft of a modular constitution first put together in 2001 which the Council's Constitution was based on.

- Work Programme Update: The proposed Parish Mentoring Scheme was still on hold until the future of the standards regime became clearer. The Monitoring Officer was continuing to provide ethical framework advice and assistance to parish councils.
- Members' bulletin.
- Duty to Promote Standards: Biographies of the parish members of the Committee had been uploaded to the Council's website to promote the membership of the Committee. A draft Standards Annual Report about the work of the Committee over the municipal year 2010-2011 was in progress and would be presented at the final Council meeting of the year in April. The Chairman would give his usual oral report on the work of the Committee at the Council meeting in December.
- Register of Interests: Since the last meeting the majority of the outstanding forms had now been received.

RESOLVED

That the report be noted.

REASONS

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework.
- (ii) To enable the Standards Committee to effectively deal with its statutory responsibilities under the Standards Committee (England) Regulations 2008.

SC/31 URGENT ITEMS

There were no urgent matters to be considered.

*The meeting finished at 11.25am having commenced at 10.03am.*

CHAIRMAN