

STANDARDS COMMITTEE

19th June 2013

Present: Councillors: Andrew Baldwin, Philip Circus, David Coldwell, Brian Donnelly, Sheila Matthews, Godfrey Newman, Tricia Youtan

Co-opted advisory members

Present: Parish Council representatives: Val Court, Isabel Glenister
Independent persons: Paul Byford, Mary Jagger

There were no apologies.

SC/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Brian Donnelly be elected Chairman of the Committee.

SC/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor David Coldwell be appointed Vice-Chairman of the Committee.

SC/3 **TIMES OF MEETINGS OF THE COMMITTEE FOR THE ENSUING YEAR**

RESOLVED

That meetings of the Committee be held at 10.00am for the ensuing Council year.

SC/4 **MINUTES**

The minutes of the meeting of the Committee held on 20 March 2013 were approved as a correct record and signed by the Chairman.

SC/5 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/6 **ANNOUNCEMENTS**

There were no announcements.

SC/7 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/8 **ETHICAL FRAMEWORK UPDATE**

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

- Training and awareness: The Monitoring Officer had provided training for Councillors Roger Clarke and Diana van der Klugt who had been elected as District Councillors at the by-elections on 2 May. Members were supplied with a flowchart to assist with declaring interests, which they welcomed.
- Local assessment, review, other action, investigations and determinations: Since the Ethical Framework Update on 20 March 2013, the Local Review Sub-Committee and the Local Assessment Sub-Committee had not been required to meet.
- Parish Clerks' Meetings: The Monitoring Officer had attended the Society of Local Council Clerks' meeting on 30 April 2013 and provided an update on the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A review of outstanding Register of Members Interest forms at Parish level had been provided.
- Register of Interests: The new Register of Interests forms had been sent to District and Parish Councillors in July 2012. To date 21 of the 44 District Councillors had returned their forms. Members noted that the updated guidance from DCLG stated that there was no requirement for a Councillor to differentiate their own DPIs from those of their spouse.

Six Parish Councils had yet to submit their Registers of Interests forms.

- Members requested that details of the six Parish Councils who had not submitted their forms should be supplied to the relevant District Councillors.

The Monitoring Officer reminded Members that the Register was there to protect Members and it was appropriate to declare all personal interests, including membership of charitable organisations.

- Committee on Standards in Public Life: David Prince CBE had been appointed Interim Chair of CSPL and was likely to take on the role on a permanent basis. The CSPL's Strategic Plan for 2012 – 2015 was outlined. The seven principles of public life had been given reformulated descriptions. Members noted that the CSPL would continue to monitor the implementation of the new local government standards regime.

SC/8 Ethical Framework Update (Cont.)

- Publicity guidance: The Local Authority Code of Publicity had seven principles as set out in the report at 3.26. The Secretary of State for DCLG had announced measures to strengthen the Code by making it a statutory requirement to ensure local authorities comply with these principles to guard against the use of taxpayers money to publish 'political propoganda', particularly during purdah. A new Code on Publicity had therefore recently been consulted on.
 - Councillors and Lobbying: In March 2013 the Secretary of State for DCLG had written an open letter regarding Councillors conduct and lobbying emphasising that to receive any form of payment to lobby their own Council would be a clear breach of the Nolan Principles. Members noted that the Bribery Act and the Council's Code of Conduct covered these issues.
 - Probity and Planning: In April 2013 the LGA published a new guide reflecting changes in the Localism Act 2011 which included a flowchart to help Councillors on a Planning Committee assess whether they had a Disclosable Pecuniary Interest.
 - Predetermination, bias and advice: In a letter dated 01 May 2013 Brandon Lewis MP had clarified the distinction between predisposition and predetermination. The advice clarified that a Councillor was not to be regarded as unable to act fairly or without bias if they had participated in a decision on a matter simply because they had previously expressed a view on it. However Councillors should not have a closed mind when they made the decision as decisions taken by those with pre-determined views were vulnerable to successful legal challenge.
 - Members welcomed the clarification and it was suggested that information regarding this should be made readily available to the press and public.
 - Standards cases and LGO case summaries: Case summaries were provided.
 - Local Standards regime – Annual Review: Members had requested that the local standards regime be reviewed a year after its adoption.
 - The following Members volunteered to form a working group to take this forward:

Councillors Philip Circus, David Coldwell, Brian Donnelly, Sheila Matthews, Godfrey Newman; Val Court and Mary Jagger
- Members would be kept informed of the working groups' progress and recommendations would be presented to a future Committee meeting.

SC/8 Ethical Framework Update (Cont.)

- Performance Management: The annual report of complaints had been submitted to the Finance & Performance Working Group in May 2013. For the period 1 April 2012 to 31 March 2013 there had been 157 complaints and 69 compliments (excluding Operational Services). The figures for the previous year had been 92 complaints and 148 compliments.
- Freedom of Information: The annual report of Freedom of Information requests had been submitted to the Finance & Performance Working Group in May 2013. The number of requests for the period 1 April 2012 to 31 March 2013 totalled 523, compared with 574 for the previous year.
- Data Protection Act 1998: The Information Commissioner had not alerted the Council to any complaints that the Council has breached the Data Protection Act 1998. Members noted the importance of using their Council e-mail address for Council business as this was covered by HDC's data notification. Information sent to the independent persons' e-mail addresses from the Council was also covered by this notification.
- Regulation of Investigatory Powers Act 2000: Changes to the legal framework restricting the Council's use of RIPA had come into force in November 2012. The Council would be required to seek permission from a Magistrates Court to use these powers but the threshold was set at a level which may make it impractical for the Council to do so. For the previous two years the Council had not authorised any use of RIPA.
- Work Programme update: Members noted the updated Work Programme.

Members of the Committee noted the matters contained within the report.

SC/9 The Monitoring Officer advised that the new Members of the Committee would be given additional Standards training prior to the next meeting on 25 September.

The meeting finished at 11.48am having commenced at 10.00am.

CHAIRMAN