

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE

held on 24th January 2012

commencing at 6.30p.m.

Present:

P. Maxwell (Chairman)

Councillors: Birch, Golding, Liquorish, Mrs. Robinson and Tomlin.

Mrs. S. Barnatt, Mr. L. Hughes, Mr. A. Palmer and Mr. J. Turner.

Officers: E. O'Neill and V. Wenham.

An Apology for absence was received from Councillor Golding.

437 MINUTES

RESOLVED that: the Minutes of the Meeting of the Standards Committee held on 22nd November 2012 be approved and signed by the Chairman as a true record.

438 DECLARATIONS OF MEMBERS' INTERESTS

None were received.

439 UPDATE ON COMPLAINTS

V. Wenham, Head of Legal and Democratic Services and Monitoring Officer, introduced this report to the Committee. The purpose of the report was to update the Committee on the current position regarding complaints.

The committee noted that no new complaints had been received since its last Meeting.

RESOLVED that: the current status of complaints was noted.

440 LOCALISM ACT 2011 – AMENDMENTS TO THE STANDARDS REGIME

V. Wenham, Head of Legal and Democratic Services and Monitoring Officer, introduced this report to the Committee.

The Localism Act 2011, which received Royal Assent on 15th November 2011, makes provisions in respect of the conduct of elected and co-opted Members under the new legislation and post the abolition of Standards for England. At its meeting on 16th January 2011 Council considered a report by the Monitoring Officer on the proposals and requested that the Standards Committee be consulted on the new proposals.

The Committee was joined by Councillor Dunton who provided thoughts and opinions on the future operation of the Standards regime at the Council.

The Committee NOTED that:

- (i) the date for implementation of the new Standards regimes has been put back to 1st July 2012.
- (ii) the Localism Act 2012 requires all local authorities to have in place a Code of Conduct.

- (iii) support exists among the other Leicestershire local authorities to develop a common Standards regime and Code of Conduct.
- (iv) support exists among the other Leicestershire local authorities to investigate joint-working arrangements for dealing with complaints. It may be possible to create a pool of Independent Persons (a new role created through the Localism Act 2011) who could work across each of the Leicestershire Authorities.
- (v) when appointing an Independent Person the Localism act states that this person must not have previously been an Independent Member of a local authority's Standards Committee. A newly-appointed Independent Person may, however, have been an Independent Member of another local authority's Standards Committee.
- (vi) the Council's Standing Orders will need to be amended to take into account changes to the Standards regime.
- (vii) the concept of 'pre-determination' no longer exists. Therefore a new Standards regime would not be required to make any reference to it.
- (viii) the Register of Members' Interests will still be required under the new legislation. Local Authorities will now be required to make this information available via their websites.

The Committee provided the following guidance to the Monitoring Officer:

- (i) the Council should continue to have a Standards Committee in operation to handle complaints. It would be appropriate to create a Council sub-committee to achieve this.
- (ii) the new Standards regime should include representatives from Parish Councils.
- (iii) the Council should encourage, and be a part of, the development of a common approach to Standards across Leicestershire. A joint recruitment process should be considered to achieve this.
- (iv) when dealing with complaints via the revised Standards regime the following should happen: when a new complaint is received the Monitoring Officer and Independent Person should make an initial assessment of how the complaint should be dealt with. For example the complaint may be able to be dealt with via mediation or may require a formal investigation. The Monitoring Officer should be permitted to identify any staff required to assist with handling the complaint.
- (v) if during the 'initial assessment' stage outlined in (iv) a complaint is found to be in relation to a criminal offence the matter should be immediately referred to the Police. The Council should continue to monitor the complaint until such time as the Police have resolved the matter.
- (vi) the Annual Parish Liaison Meeting, due to be held on Monday 30th January 2012, be used to inform parishes of the requirements of the Localism Act 2011.

441NEXT MEETING OF THE STANDARDS COMMITTEE

The Committee RESOLVED that its next Meeting be held on 13th March 2012 at 5p.m.

The Meeting ended at 7.53p.m.