

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Monday, 12 December 2011

PRESENT: I Harley (Chair); T Morris (Deputy Chair); D Hughes, Edwards, Morris, Turner, Capstick, Glynane and Sargeant

1. APOLOGIES

Apologies were received from Councillor P Flavell.

2. MINUTES

The minutes of the meeting held on the 28th September 2011 were signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

4. DECLARATIONS OF INTEREST

There were none.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

6. THE LOCALISM ACT 2011 AND THE STANDARDS REGIME - AN UPDATE

The Chair welcomed Councillor Sargeant to the Committee.

A report was submitted by the Borough Solicitor and Monitoring Officer, which provided the Standards Committee with a summary of the provisions in the Localism Act 2011, which related to standards of conduct of local authority members.

He explained that since the enactment, each authority would have to adopt its own Code, which would have to comply with the seven Nolan Principles to develop and promote an ethical culture of standards within the authority. It was noted that the Standards Board for England would continue dealing with matters until the end of January 2012 and subsequently be abolished on the 31st March 2012. The new standards regime would not have statutory sanctions, in the current form and the authorities would no longer have the power to suspend or disqualify members if there had been a breach of the Code.

The Committee discussed the proposed changes to Independent Persons. The changes mean that Independent members will no longer have voting rights on Council Committees, as the statutory Standards Committee will be abolished. The Borough Solicitor advised that they could, very likely be co-opted onto a Council Committee dealing with Standards but would be able to participate in an advisory capacity. The Chair expressed his concern that by disallowing Independent Members the vote, there could be a danger that the Standards process would be regarded by the public as more politicised and therefore considered less robust or transparent.

In terms of the Localism Act, the Borough Solicitor referred to the "independent Person" requirement under the act and the fact that there was some uncertainty in legal circles whether the drafting of the legislation allowed the current independent persons to act into this role. To help resolve this uncertainty, AcSes, the senior local government legal group

were seeking Counsel's opinion.

The Committee discussed a motion that had been passed through Council on the 24th October 2011, which supported 'a strong ethical culture with the responsibility for ensuring that the Model Code of Conduct is implemented and applied' and that there should be a continuation of a Standards Committee, with independent representation" which was subject to number of caveats which included that it would be subject to change under the introduction of the Localism Act. The Borough Solicitor and Monitoring Officer confirmed that this was the policy of the Council, subject to the legislative requirements of the Localism Act.

The Borough Solicitor and Monitoring Officer commented that there would be emphasis placed on establishing a Code that would be adopted nationally if possible to aid consistency and read across, as procedural differences could pose a number of problems, especially for dual-hatted Councillors.

The Monitoring Officer explained that each Council would be responsible for its own Standards Code as there would be neither national monitoring of it nor a benchmark to compare it to but suggested that the ethical code would be embedded in the minds of Councillors having worked within the framework previously.

The Chair stated that whilst there was displeasure at the changes imposed by the Localism Act, progress would need to be made and attention be given to opportunities and development of Standards arrangements.

The Committee discussed the setting up of a working group to develop proposals for a new standards regime for the Council post the Localism Act and the incorporation of the provisions when they come into force around April next year.

RESOLVED:

1. That the contents of the report be noted.
2. That a Working Group of the Standards Committee be established to formulate recommendations to be made to the Full Council in relation to the standards arrangements that should be put into place at this Council in order to reflect the provisions of the Act and that all members of the Standards Committee form part of the Working Group.

7. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

The meeting concluded at 18.11