

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Monday, 18 June 2012

PRESENT: I Harley (Chair); D Hughes, Mrs Edwards, Morris, Mrs Turner, and Councillors Capstick, Flavell and Sargeant.

1. APOLOGIES

There were none.

2. MINUTES

The minutes of the meeting held on the 12th December 2011 were agreed and 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 NEW STANDARDS ARRANGEMENTS: - THE LOCALISM ACT 2011

The Borough Secretary and Monitoring Officer submitted a report and thanked officers for their contributions. It was explained that a mirror report was being submitted to Council on the 21st June 2012, which would seek the approval of the recommendations made by the Standards Committee.

It was explained that the Standards Regime had been abolished under the Localism Act 2011 and that statutory provisions for a new regime had to be enacted by the 1st July 2012. The Monitoring Officer advised the Committee that it was considered necessary for there to be a continuation of a Standards Committee, but that it would no longer be statutory. He explained that under the 'old' regime it was a statutory requirement to have Independent Members and Parish Councillors on the Committee, but that new legislation no longer required them to be part of the Committee. It was explained that the new Committee would be governed by political proportionality rules. It was explained that as part of the new Committee structure, it would be possible for Parish Councillors and Independent Members to be part of the Committee but as co-opted Members who would not have powers to vote. It was suggested that Independent Members would bring a level of independence to the Committee and add a neutral dimension and dissipate any political disharmony.

The Monitoring Officer commented that under the Localism Act the Council is required to appoint at least one Independent Person. (It was explained that the Independent Person is a statutory concept, which is separate from the proposed "Independent Members" to be co-opted on to the Committee). The main functions of the Independent Person(s) would be that they will be consulted by the authority prior to the authority deciding if a Member has failed to comply with the Code of Conduct, they may be consulted by the authority in respect of a standards complaint at any other stage, or they may be consulted by a member or co-opted member against whom a complaint had been made. It was considered a sound option for

there to be three Independent Person(s), to ensure continuity and availability and to allow for separate Independent Persons to be consulted by the authority and by a Member who is the subject of the complaint.

The Monitoring Officer stated that it was a statutory requirement for the authority to promote and maintain high standards of conduct and to adopt a Code of Conduct, but that the Localism Act had not prescribed the form of the Code to be adopted. It was explained that the Department for Communities and Local Government (DCLG) had identified principles of which should be abided by, based on the seven Nolan Principles, and that the Localism Act requires the Code that is adopted to reflect the Nolan Principles but that further detail was needed in the Code that is adopted to establish a more comprehensive set of regulations for Members to abide by. The Monitoring Officer further explained that when devising the new Code of Conduct, consideration had been given to 'dual hatted' Councillors who were elected both at Borough and County level, to minimise any confusion for those who would be subject to two Codes of Conduct. The suggested new Code of Conduct is therefore based broadly on a draft Code prepared by the County Council, which Districts were able to consider.

The Monitoring Officer commented that a further change to the Code of Conduct was the Registration of Interests. It was noted the personal interests would still need to be disclosed but that prejudicial interest had been superseded by 'Disclosable Pecuniary Interests'. It was explained that following the adoption of the Code of Conduct, it would be a criminal offence for a Member without reasonable excuse to not register a Disclosable Pecuniary Interest or to participate in a discussion or vote on a matter in which they have a Disclosable Pecuniary Interest. The Monitoring Officer reported that Members would be extensively trained to ensure awareness of what would constitute a Disclosable Pecuniary Interest.

The Committee Members discussed the report and commented that the new Committee should continue to be apolitical and emphasised that all appointed Councillors to the Standards Committee should not be subject to party whipping to prevent any possibility of the new committee becoming politicised. The Monitoring Officer explained that under the new structure, Council would appoint members of the Committee and then the Committee would appoint members to the Committee to include Independent Members.

It was explained that after taking figures in relation to political proportionality into account, the report suggested that the new Standards Committee would include 9 elected Members of the Council. In addition, it had been suggested that there be two non-voting Parish Councillors and such non-voting Independent Members as the Committee considers appropriate. The Committee agreed with these proposals subject to making an additional recommendation to Full Council that to bring a high level of independence to the Committee and add a neutral dimension and dissipate any political disharmony that a minimum of three Independent Members (non-voting) should be co-opted onto the new Standards Committee

The Monitoring Officer explained the proposed arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct. It was explained that the Monitoring Officer would review all complaints received by the authority and may consult with the Independent Person(s). It was noted that under the new system, there would be no right of appeal. However, it was also noted that the new sanctions would be less severe and draconian than the previous ones and that a person who felt the authority had failed to deal with a complaint properly could take their own legal advice or make a complaint to the Local Government Ombudsman.

The Committee discussed the extensive work that had been undertaken over the years by the Standards Committee and its importance in promoting and maintaining high ethical

standards. Elected Members stated that there had been support from the Party Leaders for a continuation of a Standards Committee. The Chair of the Committee expressed his interest in addressing Council, where the Standards Committee's recommendations would be heard, to ask members for their support for a Standards Committee and robust ethical framework going forwards.

RESOLVED: That Council be recommended to adopt the recommendations as set out in the report to Standards Committee subject to the two additional recommendations as set out below:

1. Agree that members of the new Standards Committee should not be "whipped".
2. Suggest to the new Standards Committee that it should appoint at least three Independent Members."

The meeting concluded at 6.58pm