

# NORTHAMPTON BOROUGH COUNCIL

## STANDARDS COMMITTEE

Wednesday, 28 September 2011

**PRESENT:** I Harley (Chair); D Hughes (Deputy Chair); T Morris, Councillors B Eldred, P Flavell and B Glynane

### 1. APOLOGIES

Apologies were received from Margaret Edwards. The Chair welcomed Cllr M Ford, who attended the meeting to observe.

### 2. MINUTES

The Minutes of the meeting held on the 13<sup>th</sup> June 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. CHANGES TO THE STANDARDS REGIME - THE WAY FORWARD POST ENACTMENT OF THE LOCALISM BILL

A report was submitted on behalf of the Borough Solicitor, which highlighted changes to the Standards Regime, post enactment of the Localism Bill. The Borough Solicitor referred to the minutes of the meeting held on the 13<sup>th</sup> June 2011, Item 6, resolution 1:

‘That the Chair of Standards, the Monitoring Officer, The Chief Executive and Leader of the Council meet to express the concerns of the Standards Committee and which aspects of the Communications Strategy and Action Plan would be introduced’.

The Borough Solicitor explained that a meeting of the Group Leaders and Chief Executive had been arranged to discuss in relation to standards, the way forward post enactment of the Localism Bill, but that due to ill health, it had been cancelled and was being rearranged. The Borough Solicitor did however inform the Committee that he had met with the Leader of the Council and the Chief Executive both of whom had offered their support of the continuation of a Standards framework, post enactment of the Localism Bill.

In response to a request for an update on the status of the Localism Bill, the Borough Solicitor explained that the Bill was not due to be enacted until November 2011, but that it was anticipated that it would not come into effect until March 2012 due to the extensive deliberation process. The Borough Solicitor reported that the Localism Bill sought to abolish the current Standards Regime (including Standards for England) and instead place an onus on Local Authorities to promote and maintain high standards of conduct by members and allow Local Authorities to adopt a voluntary Code of Conduct. The Borough Solicitor explained that some of the roles that the Standards Regime currently dealt with, could be dealt with by the General Purposes and/or Audit Committee. The Borough Solicitor further

reported that it would no longer be a requirement of the Standards Committee to have independent members as stated in Article 10.2 of the Constitution. The Borough Solicitor informed members that the abolition of the current Standards Regime as detailed by the Localism Bill, would end the ability of Standards Committees to issue sanctions against any Member found to be breaking the Code of Conduct and leave them only with the ability to issue a censure. Although, it was noted that the Director of Public Prosecutions would be able to investigate in cases of Members failing to declare personal interests, it was considered this would be highly unlikely to occur except in extremely serious cases.

Members discussed the importance of retaining independent members in order to maintain fairness, independence and transparency. It was felt that independent members were able to bring an outside perspective to the Committee and would help dispel any views that investigations were unreliable or politically motivated.

The Chair commented that the Standards Regime was not solely in place to complain about elected Members but also acted as a safeguard against vexatious reporting.

The Committee were in agreement that whilst the abolition of the Standards Regime would end the requirement to adopt and enforce the current Model Code of Conduct, it would be essential for there to be an ethical Code of Conduct which would clearly outline the moral standards expected of Councillors. The Borough Solicitor explained that due to the fact there would be no ability to issue sanctions against Councillors, increased emphasis may need to be placed on intervention and training at an early stage.

The Borough Solicitor summarised the content of the Report to the Standards Committee. In particular, the Borough Solicitor explained that in terms of the passage of the Localism Bill through Parliament, the Bill was currently at the Report Stage in the House of Lords and that the House of Lords had proposed a number of amendments to the standards provisions in the Localism Bill, including an amendment which would make it obligatory for Councils to adopt a Code of Conduct. However, the Borough Solicitor explained it was not yet known whether any of these amendments would be accepted into the final draft of the Localism Bill.

The Chair asked what options the Committee would have once the current Standards Regime had been abolished. The Borough Solicitor reported that it would be an option to explore working with the Local Government Association and ACSeS (the national group for local government corporate governance lawyers) in order to seek advice and give consideration, should it become more apparent, to following a National Code of Conduct, for the sake of consistency. In response to a question, the Borough Solicitor explained that without any legislative provisions, local authorities would not be able to place their own sanctions in any Code of Conduct they chose to adopt.

The Committee discussed the prospect of emphasising the importance of any Code of Conduct that is adopted by the Council, during the selection process carried out by the political parties. Consideration was also given to the importance of promoting the notion of having a strong ethical framework to political party leaders and for parties to instil in party members the consequences of poor behaviour, such as the loss of party membership. Members discussed the role of the Standards Committee in regards to the Parish Councils and commented that without a mandatory Code of Conduct or the ability to issue sanctions, Parish Councils faced the same problems as the Borough Council.

## **RESOLVED:**

1. That the following recommendations be taken to a meeting of the Chair of Standards, the Monitoring Officer, the Chief Executive and Leader of the Council to express the concerns of the Standards Committee:

- a. That Party and Group Leaders be held responsible for promoting a strict ethical framework to their members.
  - b. That the Borough Solicitor submits a further report to update the Committee once the Bill has been enacted.
  - c. That the Standards Committee continues after the Localism Bill, membership of which to include independent members.
  - d. That a more strategic approach be put in place to allow 'upstream activity' to ensure that the Chief Executive, Management Board, Party Leaders and whips show support for the continuation.
2. That the Chief Executive and Leader of the Council be invited to a future meeting of the Standards Committee.

## **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 18.26