

COUNCIL 29 June 2012

59. TO CONSIDER THE RECOMMENDATIONS OF THE STANDARDS COMMITTEE AND THE REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE SERVICES AND THE MONITORING OFFICER ON THE NEW STANDARDS REGIME TO BE INTRODUCED ON 1 JULY 2012

Council considered a report which sought to inform Members of the new Standards provisions introduced by the Localism Act 2011 and to inform Councillors of the options they had regarding the adoption of a new Code of Conduct and Register of Interest.

The Portfolio Holder for Corporate Services presented the report and recommended to the Chairman that each recommendation be considered and voted on separately, following discussion.

During the course of debate, the Monitoring Officer advised that:

- in relation to declaring an interest during a meeting, it was for the Member to decide whether to leave the meeting;
- Members could choose to ignore declaring the interests of partners however the Member would be liable to criminal prosecution, a fine up to £5000 and a suspension of 5 years. She advised that a number of authorities and national bodies were unhappy with this provision and had made representations to the Department for Communities and Local Government;
- The sanctions contained within the new Code of Conduct related to declaration of interests;
- Members were required to approve the provisions as detailed at Appendix A of the agenda report. Provisions contained within Appendix B were discretionary and it was for Members to decide which, if any, should be included in the new Code of Conduct for the Council.

Members made reference to:

- Lack of powers - Councillor Hook expressed his disappointment at the lack of powers to take action such as suspending a Member and other such disciplinary measures, other than being able to name and shame. He asked that representations be made to the Secretary of State;
- Composition of the new Standards Committee - Councillor Austen regretted the fact that Parish Councillors and Independent Members could not have voting rights on the Committee especially as a lot of complaints concerned local Councils and not the District;
- Councillor Hocking, as a Member of the outgoing Standards Committee said that there had been much debate regarding the size of the new Committee and whether it should be a standalone one or be part of an existing Committee. His concern with the recommendation of four Members with one being the Chairman with the casting vote would result

in a tie and proposed it might be beneficial to increase the Membership of the new Committee to five. Councillor Connett seconded this proposal;

- Localism – Councillor Barker questioned why a Government committed to localism could pass down legislation with no guidance and no opportunity for Members to influence. In respect of Parish Councils, Councillor Barker said they were generally comprised of volunteers with little powers and felt it was unfair they could be criminalised for something they did not remember doing.
- Appendix B of the agenda report – Councillor McMurray submitted that Appendix B, if adopted, would require Members to declare Membership of outside bodies and if discussed at Council, would preclude Members from entering into that discussion and voting on issues relating to that organisation. The Monitoring Officer advised that Members could amend the document to remove the word ‘membership’ if they wished.

Councillor Connett supported the adoption of Appendix B particularly as public probity was a high priority for local residents. He favoured a separate Standards Committee with a membership of five which was politically balanced; not out of distrust but to plan for different electoral circumstances in future years. He supported the idea of Members leaving the room in relation to disclosable interests. He thanked officers for their time in preparing the report before Members.

The Leader stated that at the Devon Leaders meetings there had been a dialogue regarding a joint Standards Committee with other Devon Districts and this would be looked at a future meeting of the Council.

The Monitoring Officer lead Members through the recommendations amendments and it was

Resolved

- (i) That the Council adopt the NALC Code with effect from the 1 July 2012 together with the additional requirement to leave the meeting if the Member has a Disclosable Pecuniary Interest;
- (ii) That in relation to Appendix B of the NALC Code, the word ‘membership’ be removed;
- (iii) That a separate Standards Committee of five elected members with two co-opted parish/town council representatives nominated by TALC and the Independent Person. The terms of reference for the Standards Committee to include all matters to deal with the Code of Conduct and the other ‘non-Standards’ matters which currently fall to the Standards Committee relating to overview of the constitution, corporate complaints and Ombudsman complaints;
- (iv) That the Council explore the options of establishing a Joint Standards Committee with one or more of the Devon Authorities;

- (v) That the Council adopt the complaints procedure on page 28 of the agenda report as the basis of the process;
- (vi) That there should be one independent person (IP) for Teignbridge District Council and that the appointment of the IPs for West Devon Borough Council and South Hams District Council as reserve IPs is agreed to

That Teignbridge District Council remunerate the IP in the sum of £500 and that this be kept under review and be adjusted, if necessary, in the first year

That while the new IPs are being recruited and discussions take place with neighbouring authorities, the existing independent members act as the IPs

- (vii) That the Register of Interest as recommended by NALC and the Standards Committee be adopted;
- (viii) That Council delegate Powers to the Monitoring Officer to enable the early negotiation and hopefully resolution of complains against Members, the Monitoring Officer be authorised as follows:
 - To act as a Proper Officer for receipt of complaints against Members for alleged failure to abide by the Council's Code of Conduct and those of its town and parish councils;
 - To arrange the appropriate publicity for the new systems outlined above and which any regulations require;
 - To make appropriate changes to the Constitution to reflect the decisions taken as required by regulations;
 - To make arrangements for the appointment of an Independent Person, following open competition and two reserve members from neighbouring authorities or following open competition in line with the process used for appointment of existing independent members whereby interest is sought via a public advertisement;
 - To exercise his/her discretion in consultation with the Independent Person in connection with collecting any information in advance of reference to the Committee or Independent Person that will assist in their consideration of a complaint;
 - To determine requests from members of the District Council for dispensations following consultation with the Chairman of the Standards Committee;
 - To arrange suitable publicity of decisions following investigation, except for cases where a member, about whom it was decided unfounded allegations had been made, did not want further publicity;
 - To finalise the details of the complaints process
- (ix) That members have 28 days from the date of this meeting to sign up to the complete the new register of interests

- (x) That any complaints received and still outstanding under the pre 1 July 2012 provisions be dealt with under the new regime adopted by this meeting

The Chief Executive asked Members if they would like her to write to the Secretary of State for Communities and Local Government appraising him of Members' views with regards to localism. Members were unanimous in their support of this.