

EAST NORTHAMPTONSHIRE STANDARDS BOARD

Date: 14 March 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30 pm

Present: Graham Blagden (Chairman)

East Northamptonshire Councillors: Glenvil Greenwood-Smith
Barbara Jenney
Brian Northall

Town and Parish Councillors: Don Campbell
Prudence Goss
Arthur Whittaker
Sue North

Independent Members: Hilary Daniels
Graham Matthews

431. MINUTES

The minutes of the meeting held on 1 February 2012 were approved and signed by the chairman.

432. APOLOGIES FOR ABSENCE

There were no apologies.

433. DECLARATIONS OF INTEREST

No interests were declared.

434. ACTIVITY REPORT OF THE MONITORING OFFICER

A report was received on ethical matters dealt with by the Monitoring Officer since the last meeting. Members noted that there were 25 outstanding Register of Interest forms for Parish Councillors. The Monitoring Officer advised members that a formal letter would be sent to those councillors who had yet to return completed forms. The letter would advise that by not returning forms, members were in breach of the Code of Conduct and as of 1st July, if no Disclosable Pecuniary interests had been declared, they would be in breach of the law.

Members noted that the level of complaint activity showed no sign of reduction. Since the last meeting one further complaint and one request for a review of an Assessment Sub-Committee decision was expected to be received. The Assessment Sub-Committee for the complaint had taken place earlier in the day, with the Review Committee to be organised if the need arose.

The Monitoring Officer advised members that the Transitional Arrangement Regulations to be published by the DCLG for the new standards regimen were thought to include provisions for enabling complaints received under the old code to be determined under the new arrangements after 1 July 2012.

Details of the Town and Parish Council Workshop that had taken place on 27 February 2012 were provided to the board. Members noted that 41 individuals had attended, representing 20 of the Town and Parish Councils from the district and comments made at the workshop had been factored into the Proposals for East Northamptonshire Council's Arrangements for Standards report that followed this item.

The Monitoring Officer advised members that a training session arranged for ENC councillors on the Equality Act 2010 had been cancelled following a meeting of the Policy and Resources Committee on 12 March 2012. It was hoped that members would be able to attend officer training on the same subject, with supplemental briefings for members to ensure understanding of the act.

435. PROPOSALS FOR EAST NORTHAMPTONSHIRE COUNCIL'S ARRANGEMENTS FOR STANDARDS

The board received and considered a report from the Monitoring Officer which presented the findings of the Policy and Resources Committee, Scrutiny Committee and Town and Parish Councils relating to the key issues faced by the council concerning the Standards aspects of the Localism Act 2011.

Board members were advised that regulations defining Disclosable Pecuniary Interests (DPIs) would be disseminated to councillors as soon as they were published. ENC's future standards arrangements would be dependent on the content of the new DPI regulations, although the Monitoring Officer stated that the understanding was that they would be closely based on the current prejudicial interest provisions.

Members were provided with two Code of Conduct templates that had been issued by the Local Government Association, one in minimalist style, based on the Nolan Principles, the second a more detailed code containing examples of acceptable and unacceptable behaviour, information regarding reinforcement of DPI provisions and the Nolan Principles. It was further noted that the Association of Council Secretaries and Solicitors would be issuing its own Code around 16 March 2012.

Members noted that The Standards Working Party had reviewed comments made by the Scrutiny Committee on 6 February, the Policy and Resources Committee on 13 February and the Town and Parish Council Workshop on 27 February. Their comments on these had helped shape the proposals made in the report. It was proposed that appendices to support the proposals would be drafted and added to the relevant reports for Policy & Resources Committee (2 April) and Scrutiny Committee (4 April). Meetings of the Standards Working Party meetings were expected to continue until the meeting of Council on 23 April 2012 as final documentation including necessary constitutional changes was expected to be unavailable before that date.

Principles that had emerged from discussions included :

- As the Code of Conduct is proposed to be part of the constitution, with procedures for handling complaints present in the code, final decisions should be retained at Council level.

- Only councillors from the relevant tier of council should be involved in assessing complaints from that tier.

Members were made aware of, and discussed, amendments made to the proposed Code of Conduct following the previous round of consultation. Members were content with the proposed amendments and noted comments which would require action outside of the draft code. These included:

- A proposal that the Code not be altered, but explicit consent for group meetings aimed at facilitating council business be included in the ENC Constitution, as a result of concern shown by ENC councillors that the wording of 1.8 (d) did not allow for group meetings to be held on council premises.
- Town and Parish Councillors wished to see a reciprocal Code or Duty for Officers
- Examples of unacceptable behaviour be included as a training glossary to the Code as an indication of what was and was not acceptable,

Members then reviewed Appendix 2 to the report which comprised the draft Revised Local Assessment Procedures, and various suggestions were made by the board.

Regarding Declarations of Interest and Withdrawal from Debate, members considered that if it was not physically possible for a member to withdraw from a meeting, they should ensure there is clear separation between themselves and any vote that takes place. The Monitoring Officer stated legal advice was currently being sought regarding committees with regulatory functions, specifically licensing and planning, to ensure that legal challenges are avoided as a result of perception of influence.

Both the Scrutiny Committee and Policy and Resources Committee had agreed with the principle of having one Independent person with one in reserve, a view shared by members at the meeting. Furthermore, a proposal had been made that the selection of the Independent Person and Reserve should be made by a panel of 3 members of the JSCC, to include the Chairman, Vice-Chairman and one other ENC Councillor. Appointments would then be confirmed by ENC at a Council meeting.

The section regarding initial assessments of complaints was discussed at length and members requested the removal of paragraph 4.6, alongside minor amendments to the order of paragraphs. A stipulation that the initial assessment stage only take 20 working days was also suggested.

Board members were in agreement that the new process for misconduct complaints should be as simple as possible, with a right to reply in place for the complainee at the assessment stage.

Members agreed that both the complainant and councillor would have the right of appeal but only in the light of new evidence or on grounds of process not having been followed.

Dispensations, budgetary support and matters of confidentiality were also discussed by the board members.

It was

RESOLVED:

That members note the contents of the report

At the conclusion of the meeting the Chairman thanked Keith Osborne, in view of his forthcoming retirement, for all his assistance in relation to Standards Board matters in the past. The Chairman was joined by other all members of the board in wishing Mr Osborne the very best wishes for the future following his retirement from duty.

Chairman