

Subject: Standards Update - Extract from the Proceedings of the Audit & Standards Committee Meeting held on the 26 June 2012

Date of Meeting: 19 July 2012

Report of: Strategic Director; Resources

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Wards Affected: All

FOR GENERAL RELEASE

AUDIT & STANDARDS COMMITTEE

4.00 pm 26 June 2012

COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillors Hamilton, Janio, Norman, Duncan, Follett, Lepper, Smith and Sykes. Mr Wilkinson, Mr Cecil, Mr Rose, Mr Bustard and Mr Rhodes.

PART ONE

10. STANDARDS UPDATE

- 10.1 The Committee considered a report of the Monitoring Officer with an update on the changes to the regulation of standards of conduct for elected Members which would come into force on 1 July 2012. The report contained the requirements of the new regime; the work of the Cross Party Working Group on Standards and it proposed a new code of conduct for Members and a new complaints procedure based on the requirements of the Localism Act and the new regulations.
- 10.2 Councillor Duncan stated his concern that the proposals should not be disproportionate considering the limited sanctions the regime would be able to impose. He asked about the short period between when the regulations would come into force, and when the new regime could be approved at the Council meeting on 19 July 2012. In response the Acting Assistant Head of Law explained that there were transitional provisions in place to cover this.
- 10.3 In response to a series of queries from Councillor Follett it was explained that: the proposed new regime only required the independent person to be consulted at the first

stage of the complaint; the Council had included a self-imposed target of 3 months to deal with all complaints, and Officers had not considered it proportionate to call a Special Council meeting before 19 July 2012 to agree the new proposals. It was also highlighted that the Monitoring Officer would be contacting all Members to inform them of the new proposals regarding declaration of Members' interests, if agreed by the Committee, in the next few days.

- 10.4 The Committee discussed the dismissal of complaints at the first stage by the Monitoring Officer, and it was explained that the Monitoring Officer would only dismiss complaints at the first stage when they were: of a clearly vexatious nature; would not be in the public interest (for example would constitute an inefficient use of Council resources) or where, even if upheld, the complaint would not constitute a breach of the Code.
- 10.5 In discussion about Members withdrawing from a meeting it was suggested that an amendment could be made to Standing Orders to request a Member to withdraw from a meeting when they had a disclosable pecuniary interest. Members agreed to this addition. It was also noted that withdrawal from a meeting would include any public area or gallery. The Committee then went on to discuss disclosable non-pecuniary interests, and the Monitoring Officer highlighted the requirement to withdraw did not apply to this area; instead it would be at the discretion of Members, and it was felt that this qualification would make the code proportionate in relation to non-pecuniary interests. Councillor Lepper noted that it was important Members considered how these matters could potentially be viewed by the public; the Monitoring Officer went on to assure Members that full training would be given.
- 10.6 **RESOLVED** - That the Committee:
- a) Recommends to Council the adoption of the new Code of Conduct for Members as set out at Appendix One with effect from the 20th July 2012;
 - b) Recommends to Council the adoption of a simplified Complaints Procedure as set out at Appendix Three to the report with effect from the 20th July 2012;
 - c) Instructs the Monitoring Officer to advertise a vacancy for the appointment of two Independent Persons in accordance with statutory requirements and to convene an appointment Panel of Members in accordance with the proposals in paragraphs 3.20 and 3.21 of the report;
 - d) Instructs the Monitoring Officer to put in place arrangements for training for Members on the new Code and arrangements for the register of Members' interests;
 - e) Instructs the Monitoring Officer to consult with the Parish Council and to report to the next meeting of the Audit & Standards Committee with details of the Code of Conduct to be adopted by the Parish Council and the arrangements for the register of Parish Council interests.
 - f) Recommends to Council that Standing Orders be amended with effect from 20th July 2012, to require Members with a Disclosable Pecuniary Interest to withdraw from the meeting.