

STANDARDS COMMITTEE

THURSDAY 18 JUNE 2012 AT 10.00AM

PRESENT: City Councillors – Boaden, Mrs Bradley, Craig, Harid, Nedved (as substitute for Councillor J Mallinson) and Weber

Parish Councillors – Dodd and Nicholson

Independent – Dr Tiplady

ST.01/12 APPOINTMENT OF CHAIRMAN

RESOLVED – That Dr Tiplady be appointed as Chairman of the Standards Committee for the municipal year 2012/13. Dr Tiplady thereupon took the Chair.

ST.02/12 APPOINTMENT OF VICE CHAIRMAN

RESOLVED – That the Committee would not appoint a Vice Chairman of the current Standards Committee due to the amendments to the Standards regime pursuant to the Localism Act 2011.

ST.03/12 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor J Mallinson, Councillor Little, Mr Fraser and Reverend Libby.

ST.04/12 DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

ST.05/12 CARLISLE CITY COUNCIL: CODE OF CONDUCT

The Director of Governance presented report GD.25/12 detailing arrangements for the amendments to the Standards Regime pursuant to the Localism Act 2011.

He informed the Committee that the existing Standards Regime would end on the 30 June 2012 and the new Regime had to be implemented from 1 July 2012. The existing Standards Committee would cease to exist and there would no longer be the requirement to have Independent and Parish Members on the new Committee.

The Cumbria Monitoring Officers meeting had produced a Cumbria wide Code of Conduct and it was hoped that all local authorities would adopt this with some minor variations. The remit of the Committee had been widened to enable the Committee to deal with amendments to the Code of Conduct Guidance and arrangements for dealing with complaints. The suggested Terms of reference for the new Standards Committee had been attached to the report as Appendix 1.

The Director of Governance outlined the options available for the future of the Standards Committee which included using the existing Audit Committee or, the preferred option, of a new politically balanced Standards Committee with seven Members. There would be an opportunity to co-opt a Parish Member onto the new Standards Committee as a non voting Member. This would give the Parish Councils a role in the system and ensure that there was a Parish Council perspective on any matters considered by the Committee.

The Standards Committee would consider complaints made against City Council and Parish Council Members and would have a number of options available to them. For Parish Members the Standards Committee would recommend a sanction to the relevant Parish Council's Chairman and Parish Clerk and it would be their decision to impose the sanction.

He confirmed that the Cumbria Association of Local Councils (CALC) had been involved in the Monitoring Officer meetings to ensure that Parish Councils had been involved in the process. He explained that the new regulations gave Parish Councils new powers to change the way they undertook Standards and it was hoped that all the Parish Councils would adopt the County wide Code of Conduct with their own minor variations.

The Director of Governance reported that the existing ten general principles and the Model Code of Conduct would be repealed and Members would no longer be required to give an undertaking to comply with the Code of Conduct. However, the Council must adopt a new Code of Conduct and there were seven principles, as set out in the report, which must be covered within the new Code. The principles of personal judgement, respect for others, duty to uphold the law and stewardship were no longer underlying principles.

To address Members concerns the Director of Governance explained that the principles that had been removed were covered within other areas of the Code or under the Bias/Predetermination rules.

The Director of Governance highlighted the changes to the Register of Members Interests. There were two categories of interests; a Disclosable Pecuniary Interest(DPIs) and Other Registrable Interests. The legislation set out what pecuniary interest must be disclosed and applied to the Member, their spouse or civil partner, or a person they lived with.

Whilst Members must comply with the requirements around DPIs, any other registrable interests were for determination by the Council. Appendix 4 of the report set out a revised draft Register of Members' Interests. Members

considered whether the limit for hospitality should be raised and agreed to keep the limit at £25.

The legislation stated DPs would be entered onto the Register of Interest form but there was no provision with regard to Members leaving the room during the discussion or vote on matters where they had a DP. Legislation provided that standing orders may provide for such exclusion and it was suggested that an additional Rule be added to the Procedural Rules so Members would leave the room during an item in which they have a DP.

The Director of Governance reported that the arrangements adopted by the Council must include provision for the appointment by the Council of at least one Independent Person who must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council. The legislation had stated that a person could not be considered independent if he/she was or had been within the last five years, co-opted onto the Council or a Committee, this ruled out the use of existing Independent Members. The Government had, however, recently announced, that for transitional purposes, the Council's existing Independent Persons could apply to be considered for the same titled but slightly different role under the new regime.

The Independent Persons must be consulted before the Council made a finding as to whether a Member had failed to comply with the Code of Conduct or decided on action to be taken in respect of that Member. The Independent Person could be consulted by the Council in respect of a standards complaint at any other stage and may also be consulted by any Member against who a complaint had been made. The Independent Person may receive allowances and expenses and the amount of any such payment was at the discretion of the Council. The Independent Remuneration Panel would be able to make an appropriate recommendation to Council.

The arrangements for Standards Committees were set out in the report alongside the sanctions that could be recommended by the Standards Committee. It was agreed that the sanctions included within the report be amended slightly to clarify that the Standards Committee could only recommend a sanction to the Parish Councils.

The Director of Governance added that it was intended that training would be provided for all Members on the new provisions and it was suggested that the new Standards Committee provided feedback to Council in an annual report on the operation of the new arrangements.

He circulated a copy of the 'Guidance on Code of Conduct' document which included the Bias/Predetermination rules and a list of the Criminal Offences under the Act as set out in the Act.

RESOLVED – That the Carlisle City Council: Code of Conduct report be referred to full Council for approval and adoption.

(The meeting ended at 10.55am)