

## **STANDARDS COMMITTEE**

Wednesday 31 March 2010

### **Present:-**

Professor B Kirby (Chair)  
Councillors S Brock and D J Morrish

(Independent members)  
Andrew Mimmack and Lynda Smith

### **Also Present**

Assistant Chief Executive/Deputy Monitoring Officer, Head of Legal Services/Monitoring Officer and Member Services Manager

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### **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of the Standards Committee held on 2 December 2009 were taken as read and signed by the Chair as a correct record.

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### **DECLARATIONS OF INTEREST**

There were no declarations of interest.

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### **ANNUAL RETURN TO THE STANDARDS COMMITTEE**

The Head of Legal Services/Monitoring Officer invited Members to consider and respond to the Standards for England Annual Return for the City Council by the required 16 April deadline.

Members discussed the questions and proposed responses for completion of the online form by the Head of Legal Services/Monitoring Officer.

It was suggested that, as the Council moved towards the establishment of the unitary Council, members of the Standards Committee may benefit from visiting other unitary Councils such as Torbay and Plymouth to observe how their Standards Committees operate.

Members endorsed the importance of learning and development for Councillors, both in relation to conduct and ethical issues as well as wider skills training. They noted the wide range of learning and development events available to Councillors, which included both internal and external events as well as e-learning. They were disappointed at the continuing low level of attendance at Member briefings, which generally addressed topical or service-related issues.

**RESOLVED** that the Head of Legal Services/Monitoring Officer be requested to complete and submit the 2010 Annual Return to Standards for England.

(Report circulated)

## **TRANSFER OF FUNCTIONS OF THE ADJUDICATION PANEL FOR ENGLAND TO THE FIRST TIER TRIBUNAL**

The report of the Assistant Chief Executive/Deputy Monitoring Officer updated Members on the abolition of the Adjudication Panel for England and the transfer of its functions to the First-Tier Tribunal (Local Government Standards in England) on 18 January 2010.

This change meant that the First-tier Tribunal now had additional powers and procedures:

- It has the power to summon witnesses or require witnesses to produce documents relating to its hearings.
- All Tribunal hearings can now be conducted either orally or by written representations with the consent of all parties.
- Hearings can be conducted by less than 3 Tribunal members.
- The President of the Adjudication Panel for England has been appointed as a Principle Judge of the First-tier Tribunal, legal members are now Judges and lay members are members.

The Committee also noted changes in relation to the Appeals process and that the First-tier Tribunal now had the power to make an order for costs if the Tribunal considered that a party had acted unreasonably in bringing, defending or conducting the proceedings. The Head of Legal Services/Monitoring Officer reported that the new power relating to costs was very similar to that which operated in relation to planning appeals and would only be implemented in exceptional circumstances where a party had behaved unreasonably.

**RESOLVED** that the role and additional powers and procedures of the First-tier Tribunal (Local Government Standards in England) be noted.

(Report circulated)

## **UPDATE ON CASE LAW**

The Head of Legal Services/Monitoring Officer circulated details of recent case law involving members of local authorities from Blackpool Borough Council, Daventry District Council, and Doncaster Metropolitan Borough Council.

Members discussed the outcomes and implications of the various cases. With regard to the case involving the declaration of an interest in relation to a political donation, the Committee noted that this was a high profile issue at the present time. Whilst it had not arisen as a particular issue of concern locally, members were advised to seek clarification from the Monitoring Officer if they were unsure of their position and advice would be provided in relation to the particular circumstances of their case.

**RESOLVED** that the case summaries be noted.

(Report circulated)

**RETIRING CHAIR**

Professor Kirby advised the Committee that he would be stepping aside as Chair at the end of the municipal year but would remain as a member of the Committee for the forthcoming year. Andrew Mimmack had agreed to take the Chair for the following municipal year and Lynda Smith, the Deputy Chair. He thanked the other Committee members and officers for their contributions and support during his term as Chair.

Councillor David Morrish recorded the appreciation of the Committee for the admirable way that Professor Kirby had chaired the meetings and discharged his responsibilities and their gratitude that he was to remain a member of the Committee for the present time.

**RESOLVED** to note that Andrew Mimmack will be nominated as Chair and Lynda Smith as Deputy Chair of Standards Committee at the Annual Meeting of Council on 18 May 2010.

(The meeting commenced at 4.30 pm and closed at 5.40 pm)

Chair