

STANDARDS COMMITTEE

Thursday 21 June 2012

Present:

Professor Kirby (Independent Member) (Chair for the Meeting)
Councillors Branston, S Brock, D J Henson, Laws, Payne and Winterbottom

Apologies:

Andrew Mimmack

Also present:

Corporate Manager Democratic & Civic Support, Corporate Manager Legal/Monitoring Officer and Member Services Officer (SLS)

4 **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 4 April 2012 were taken as read, and signed by the Chair as a correct record.

5 **DECLARATIONS OF INTEREST**

The following personal interest was declared:-

MEMBER	MINUTE
Professor Kirby	6 (a candidate for the position of 'Independent Person')

6 **THE REVISED ETHICAL FRAMEWORK**

Professor Kirby declared a personal interest and withdrew from the meeting as he had submitted an application for the position of an 'Independent Person' on the proposed newly constituted Standards Committee.

It was agreed that Councillor Mrs Brock would act as Chair whilst the applications for the new role of 'Independent Persons' were discussed.

The Corporate Manager Legal/Monitoring Officer presented a report which updated Members on the significant changes to the Standards Regime with effect from 1 July 2012, including the:-

- the Members' Code of Conduct,
- Declaration of Interests and
- arrangements for Standards brought about as a result of the Localism Act 2011("the Act").

The existing Standards regime will come to an end on 1 July, and although there would no longer be a mandatory requirement for Local Authorities to have a Standards Committee, Section 27 of the Act imposes a statutory duty to 'maintain high standards of conduct by Members and Co-opted Members of the Council'. Members acknowledged that in order to fulfil that obligation, there was a continued need for a Standards Committee and they approved a newly constituted terms of reference, which was set out in Appendix 1 of the report.

Members were disappointed that despite ongoing discussions between the Monitoring Officers, it had not been possible to agree a Devon-wide Code of Conduct for use by all local authorities in the County. They considered four Code of Conduct options, and agreed that a slightly amended National Association of Local Council's Code of Conduct, set out in Appendix 3(iii) to the report, would be the most appropriate for Exeter City Council to adopt.

The report referred to the new duty for Members to register and declare any 'Disclosable Pecuniary Interests' that they or their spouse, civil partner or person with whom they are living might have. Failure to properly disclose such an interest could result in prosecution. A copy of the Register of Disclosable Interests and Register of Other Interests would be sent to Members to enable them to comply with the spirit of the legislation and fulfill the requirement of notifying the Monitoring Officer of any 'Disclosable Interest' within 28 days of becoming a Member.

The report also set out the requirement for the appointment of at least one 'Independent Person' who would be consulted in relation to complaints. These positions were advertised and applications were received from the current independent members, Andrew Mimmack and Professor Kirby. Members recommended that they should be appointed as the independent persons, on the newly constituted Standards Committee, during the transitional period.

RECOMMENDED to Council, that :-

- (1) the City Council discharges its obligation to maintain high standards of conduct through a newly appointed Standards Committee, and Council adopt the revised terms of reference as set out in Appendix 1 to these Minutes;
- (2) the outline procedure for dealing with complaints against Members as set out in Appendix 5 of the report be adopted, and the Monitoring Officer to expand the detail of the procedure at a later date;
- (3) the National Association of Local Council's Code of Conduct as amended, be adopted, to come into full force with effect from 1 July 2012 as set out in Appendix 2 to these Minutes;
- (4) in consultation with the Chair of Standards Committee, the Monitoring Officer be designated as the "Proper Officer", and she be authorised to determine requests from Members for dispensations to take part in the debate and/or vote in a meeting where he/she has an interest to declare, and where there is conflict, for another Member of Standards Committee to be consulted;
- (5) the Monitoring Officer, in consultation with the Chair of Standards Committee, be authorised to deal with any complaint received, alleging a breach of the Code of Conduct in accordance with the complaints procedure set out in Appendix 5. This shall include the authority to decide whether an allegation merits investigation;
- (6) the appointment of two Independent Persons be confirmed on an annual basis to assist the Standards Committee;
- (7) the appointment of Mr Andrew Mimmack and Professor Brian Kirby as the Council's 'Independent Persons' be approved with effect from 1 July 2012 for the duration of this municipal year;

- (8) Members note the new obligation placed on them to disclose any Pecuniary Interest they may have with effect from 1 July 2012;
- (9) Members note the new offence of failing to disclose a Pecuniary Interest where that person fails, without reasonable excuse, to notify the Monitoring Officer of a Disclosable Pecuniary Interest or participates in any discussion or votes at a meeting where he/she had a Disclosable Pecuniary Interest;
and
- (10) the revised code of conduct and terms of reference replace the existing code and terms of reference in the Council's Constitution.

(Report circulated)

(The meeting commenced at 4.30 pm and closed at 6.20 pm)

Chair

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Appendix 1

STANDARDS COMMITTEE

1. To advise the City Council on the adoption of Codes of Conduct with the aim of promoting and maintaining high standards of conduct by members and officers and the subsequent monitoring and updating of the Codes.
2. To develop and adopt a Code of Practice on relations between members and officers.
3. To develop and monitor a Local Planning Code.
4. To ensure the provision of advice and training to members and officers on the above Codes of Conduct/Practice.
5. To hear and determine allegations of misconduct.
6. To be responsible for the Council's procedure for investigating and responding to complaints.
7. To give advice to members on the declaration of interests.
8. To monitor the "Whistle blowing Policy" which meets the requirements of the Public Interest Disclosure Act 1998, to encourage employees to report suspected malpractice, fraud or crime by other staff, the public or organisations having dealings with the Council.
9. To monitor the Council's constitution and, having regard to any report of the Monitoring Officer, to make appropriate recommendations where necessary.
10. To receive reports from the Councillor Development Group on an annual or more regular basis and to provide guidance as required.

Membership

Six Exeter City Councillors

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Exeter City Council

Member's Code of Conduct

Introduction

Pursuant to section 27 of the Localism Act 2011, Exeter City Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the following seven principles:

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit

themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protect the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A and B.
8. A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

9. A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that business. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that business. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
12. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a

sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

13. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

14. On a written request made to the Council's Monitoring Officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Monitoring Officer believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

**APPENDIX A
EXETER CITY COUNCIL**

REGISTER OF DISCLOSEABLE PECUNIARY INTEREST

I,
being a Member/Co-opted Member of Exeter City Council, give notice below of those interests which I am required to declare under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and Exeter City Council's Code of Conduct:

I understand that in so doing I must declare any interest of which I am aware **relating to my spouse or civil partner or of any person with whom I am living as a husband or wife or civil partner.**

<p>1. Employment, Office, Trade, Profession or Vocation</p> <p>Please give details of (i) every employment, job, trade, business or vocation you have, for which you receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. 'Accountant' or 'Farmer' and (ii) the name of any employer or body, firm or company which you own or in which you have any beneficial interest.</p>	
<p>Description of employment, job, vocation, trade or business</p>	
<p>Name of Employer, body, firm or company by which you are employed or which you own or in which you have a beneficial interest</p>	

2. Sponsorship

Please give details of any person or body (other than Exeter City Council) who has made any payment to you in respect of your election or any expenses you have incurred in carrying out your duties as a Councillor.

3. Securities: Interests in Companies

Please give details of any body which has a place of business or owns land in Exeter City Council's area and in which you have a beneficial interest (a shareholding) of more than £25,000 (nominal value) or more than 1/100th of the total share issue of that body (whichever is the lower) or if there is more than one class of share, the total nominal value of shares in any class of that body of more than 1/100th of the total shares of that class

Note: It is not necessary to declare the nature or size of the holding, simply the name of the company or other body.

4. Contracts: for Goods, Works or Services with the Council

Please give details of any current, existing contracts for goods, works or services between Exeter City Council and you or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest, as referred to at 3 above.

5. Landholdings and Licenses in the Area

Please give the address or other description (sufficient to identify the location) of any land or property in Exeter City Council's area in which you have a beneficial interest, indicating whether you are the owner, lessee or tenant, including land in which you may have a licence, alone or with others, to occupy for a period of one month or longer.

You must include the land and house you live in and for example an allotment you own or use.

6. Corporate Tenancies: Land leased from Exeter City Council

Please give the address or other description (sufficient to identify the location) of any land leased or licensed from Exeter City Council by a you or any body firm or company by which you are employed or which you own or in which you have a beneficial interest (specified at 3 above).

Member Declaration

I recognise that if I fail to comply with Exeter City Council's Code of Conduct for Members or:

- (i) omit any information that should be included in this Notice;
- (ii) give false or misleading information; or
- (iii) do not tell the Monitoring Officer of any changes to this Notice or new interests I acquire within 28 days of becoming aware of them,

that may be a criminal offence and/or the matter may be referred to the Council's Standards Committee for investigation.

Signed :

Dated:

**APPENDIX B
EXETER CITY COUNCIL**

**REGISTER OF “OTHER INTERESTS”
(unless already declared in Appendix A)**

I,
being a Member/Co-opted Member of Exeter City Council, give notice below of those interests which I am required to declare under Exeter City Council Member’s Code of Conduct:

I understand that in so doing I must declare any interest of which I am aware **relating to the interest of a friend, relative or close associate.**

<p>1. Membership of Other Bodies Please give details of your membership of, or any position of general control or management, of any bodies in the categories listed below.</p>
<p>1(a) Any Body or Organisation to which you have been appointed or nominated by Exeter City Council as its representative</p>
<p>1(b) Any other body exercising functions of a public nature (e.g. County Council; Health, Police or Fire Authority or Quasi Autonomous Non-Governmental Body)</p>

1(c) Any body directed to charitable purposes
(e.g an *Industrial and Provident Society or Charitable Body*)

1(d) Any Body whose principle purpose is to influence public opinion or policy (including any political party or trade union) e.g. *Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group (e.g. National Trust; RSPB; Greenpeace or membership of the Freemasons or similar body*

2. Any employment or business carried on by the member;

3. Any person or body who employs or has appointed the member;

4. Any person or body, other than the Council, who has made a payment to the member in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;

5. Any person or body who has a place of business or land in the Council's area, and in whom the member has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

6. Any contract for goods, services or works made between the member's Council and the member or a firm in which he/she is a partner, a company of which he /she is a remunerated director, or a person or body of the description specified in paragraph 5;

7. Any gifts or hospitality worth more than an estimated value of £25 which the member has received by virtue of his or her office.

8. Any land in the Council's area in which the member has a beneficial interest;

9. Any land where the landlord is the Council and the member is, or a firm in which the member is a partner, a company of which the member is a remunerated director, or a person or body of the description specified in paragraph 5 is the tenant;

10. Any land in the Council's area for which the member has a licence (alone or jointly with others) to occupy for 28 days or longer.

Member Declaration

I recognise that if I fail to comply with Exeter City Council's Code of Conduct for Members or:

- (iv) omit any information that should be included in this Notice;
- (v) give false or misleading information; or
- (vi) do not tell the Monitoring Officer of any changes to this Notice or new interests I acquire within 28 days of becoming aware of them,

that may be a criminal offence and/or the matter may be referred to the Council's Standards Committee for investigation.

Signed :

Dated: