

## **STANDARDS COMMITTEE**

Wednesday 4 April 2012

### **Present:**

Mr A Mimmack Independent Chair  
Councillors Hobden, Thompson and Winterbottom

Independent Member  
Professor B Kirby

### **Apologies:**

Councillors P J Brock and Mrs Morrish

### **Also present:**

Planning Solicitor, Member Services Manager and Member Services Officer (SLS)

### 1 **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 23 February 2011 were taken as read, and signed by the Chair as correct.

### 2 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 3 **UPDATE ON THE PROVISIONS OF THE LOCALISM ACT 2011 RELATING TO THE STANDARDS REGIME**

The Planning Solicitor presented a report which provided the background to the forthcoming change in the governance arrangements of a number of areas of local authority activity, including the standards regime, resulting from the Localism Act 2011. The Standards Board ceased to exist on the 31 March 2012, and this report sought Members' approval to authorise officers to carry out preparatory work to ensure that new arrangements, including a structure and a new Code of Conduct, were in place for the anticipated commencement date of 1 July 2012. Although the detail of the regulations was still unknown, Councils would still need to have the following in place by 1 July:-

- the adoption of a Code of Conduct for Members that is compliant with the 'Nolan' principles of standards in public life;
- arrangements for investigating and taking action on allegations of breaches of the Code;
- the involvement of an independent person in all decisions on alleged breaches of the Code, thus providing assurance that the new arrangements will not be abused, and
- new requirements for Members to disclose and register pecuniary and other interests, it being a criminal offence if they deliberately fail to do so.

The Planning Solicitor responded to Members' comments on the future structure of this Authority's Standards Committee. The new role of the independent member was discussed, and it was noted that their role would differ from that of the existing

independent members of Standards Committee in that they would be able to offer a view, but not be party to, any formal decision. Devon's authorities may come together to appoint a pool of independent members. He also referred to ongoing discussion with the Devon Solicitors' Group to agree a new county wide Member's Code of Conduct. Members welcomed the opportunity to rationalise the Declaration of Interest process and make it more pertinent to the business in hand. There was no requirement for the City Council to have a Standards Committee, but together with the inclusion of the independent member, this had proved to be a successful arrangement. Local authorities would still have a duty to promote and maintain high standards, and the regime changes should provide greater flexibility in the management of complaints and concerns relating to the conduct of Members.

Councillor Winterbottom led a vote of thanks from Members for the hard work, dedication and support to the Standards Committee by Andrew Mimmack and Professor Brian Kirby. In reply, Andrew Mimmack thanked Members for the opportunity granted to both Professor Kirby and himself to have participated in this aspect of public life.

**RECOMMENDED** that in view of the delay in the issue of the regulations, Council authorise delegated authority to the Monitoring Officer to take all steps that may be required for the implementation of the reforms to the standards regime brought in by the Localism Act 2011. In particular, that the Monitoring Officer be authorised to:

- (1) establish, and ensure compliance with, a new register of Members' interests once the relevant regulations have been made under the Act;
- (2) negotiate with other Devon authorities with a view to provisionally agreeing a new Code of Conduct to be recommended to all authorities in the County, and any proposals for collaboration or joint working in respect of alleged breaches of the new Code; and
- (3) draw up proposed terms of reference for a new Standards Committee, and a draft procedure for handling the investigation of, and making decisions on, alleged breaches of the new Code, for recommendation to the Council in due course.

(Report circulated)

(The meeting commenced at 5.30 pm and closed at 6.20 pm)

Chair