

## **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:-

<b>MEMBER</b>	<b>MINUTE</b>
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