

STANDARDS COMMITTEE

12 JUNE 2009

Mr Bartier (Parish Council Representative)
Mrs Brown (Parish Council Representative)
Councillor Chapman
Mr Coe (Independent Member)
Ms Eden (Parish Council Representative)
Mr Farmer (Independent Member)
Mr Fitton (Independent Member)
Councillor Gamble
Councillor Lewis
Mr Roberts-Mee (Independent Member)

1. Election of Chairman

RESOLVED that Derek Coe be elected Chairman for the ensuing municipal year.

2. Election of Deputy Chairman

RESOLVED that Peter Fitton be appointed Deputy Chairman for the ensuing municipal year.

3. Minutes

The minutes of the meeting held on 6 March 2009 were confirmed as a correct record.

The Monitoring Officer confirmed that the Standards Committee Annual Report had been noted by Council and the Local Code of Corporate Governance and the Revised Whistleblowing Policy had been approved by Council.

4. Guidance to Members on Gifts and Hospitality

The Monitoring Officer presented a report proposing revised guidance to Members on Gifts and Hospitality. The existing guidance had been approved in 2005 and it was appropriate that it now be reviewed.

The Committee discussed the appropriateness of a threshold of £25 for the declaration of gifts and hospitality and noted that it had suggested that this may be too low when responding to the Department of Communities and Local Government consultation paper on the Code of Conduct for Local Authority members. However, as the revised Code of Conduct had yet to be published, it was appropriate to keep the threshold at £25 to maintain consistency with the existing Code of Conduct. It was noted that some members declared all gifts, regardless of their value, in order to maintain transparency and accountability.

It was agreed that the advice given in paragraph 3.2 of the guidance to officers about whether similar hospitality would be provided if the situation was reversed, was also a useful test for members to apply, (particularly Portfolio Holders) and similar advice should be added to the guidance for members.

RESOLVED that:-

(a) The Guidance to Members on Gifts and Hospitality be approved, subject to the addition of the following sentence to paragraph 5.2:-

“A useful test will often be whether you would provide similar hospitality if the situation was reversed”.

(b) The Guidance to Members on Gifts and Hospitality be included in the Council's Ethical Framework within the Constitution.

(c) The Monitoring Officer be requested to circulate a copy of the Guidance to all Borough Councillors.

5. Guidance to Officers on Gifts and Hospitality

The Monitoring Officer presented a report proposing revised guidance to Officers on Gifts and Hospitality. The existing guidance had last been reviewed in 2005 and it was appropriate that it now be reviewed again.

The Committee noted that the register of gifts to officers was not open to public inspection, but it was proposed that the Monitoring Officer would report to the Standards Committee on an annual basis on the gifts and hospitality received by officers. This report would be in general statistical terms and would not detail individual gifts received by individual officers.

RESOLVED that:-

(a) The Guidance to Officers on Gifts and Hospitality be approved and that it be included in the Council's Human Resources Policies;

(b) The Monitoring Officer be requested to circulate a copy of the Guidance to all Officers;

(c) The Monitoring Officer be requested to provide an annual report to the Committee regarding gifts and hospitality received by officers.

6. Guidance to Members for Outside Bodies

The Monitoring Officer presented a report proposing revised guidance for members on Outside Bodies.

The guidance was due for an update and also needed wider promotion to those who were appointed to serve on outside bodies. Incorporating the guidance into the Ethical Framework within the Constitution would raise the profile of the guidance and ensure that members were able to consult it when necessary. However, the Committee felt that the position of Councillors on outside bodies was complex with considerable potential for difficulties and misunderstandings. It considered that it would be useful for the Monitoring Officer to offer to provide advice to all members appointed to serve on outside bodies on their responsibilities.

The Monitoring Officer confirmed that paragraph 4.4(3) of the guidance should be amended to read

“Management Committee Members will have personal liability if they act outside the authority given to them or if they do not comply with statute eg the payment of employees’ tax etc.”

RESOLVED that:-

(a) The Guidance for Members on Outside Bodies be approved, subject to the amendment of paragraph 4.4(3) to read:

“Management Committee Members will have personal liability if they act outside the authority given to them or if they do not comply with statute eg the payment of employees’ tax etc.”

(b) The Guidance for Members on Outside Bodies be included within the Council’s Ethical Framework within the Constitution;

(c) The Monitoring Officer make the Guidance available to Members appointed to serve on Outside Bodies;

(d) The Monitoring Officer to offer to provide advice to all members appointed to serve on outside bodies on their responsibilities,

7. The Standards Committee (Further Provisions)(England) Regulations 2009

The Monitoring Officer presented a report setting out the implications of the Standards Committee (Further provisions)(England) Regulations 2009. The Regulations had been published on 21 May 2009 and were due to come into force on 15 June 2009.

In respect of the suspension of the initial assessment functions, the Committee considered that this was a protracted and cumbersome procedure. Concern was expressed that if an authority was directed to deal with allegations relating to another authority, it could not refuse to do so, even though no additional resources would be provided to manage the work involved.

The Committee noted the provisions relating to Joint Standards Committees. It

considered these were complex. The Committee's view was that the existing arrangements were working well and, whilst the facility to establish a joint Standards Committee was noted, there was no need to explore it at this stage.

In relation to the provisions relating to the granting of dispensations, the Committee noted the circumstances in which this could be done. However, it noted that the first of the criteria could only apply if there was prior knowledge of the voting patterns, which raise issues of bias and pre-determination. It therefore felt this criteria was unlikely to be met.

In response to queries from the Committee it was confirmed that the whilst a member could rely on a dispensation for a period of four years, the actual circumstances in which it could be relied upon could be defined very tightly by the Committee when it granted the dispensation.

The Committee stressed the importance of ensuring members were made aware of the need to make applications in good time, given the need for the Standards Committee to give at least five working days notice of a meeting.

RESOLVED that:-

(a) The implications of the Standards Committee (Further Provisions) (England) Regulations 2009 which came into force on 15 June 2009 be noted;

(b) The Monitoring Officer be requested to write to all Borough Councillors informing them of the new dispensation provisions.

(c) The Monitoring Officer be requested to write to all Town and Parish Clerks within the Borough of Colchester informing them of the new dispensation provisions.

(d) That the record of dispensations granted by the Committee be maintained by the Monitoring Officer on behalf of the Committee.

(e) The Monitoring Officer prepare a guide for Members on dispensations and that it be included as part of the Councils Ethical Framework and be included in the Constitution, and that the guide stress the need for applications for dispensations be made in good time.

8. Appointments to Standards Committee Sub-Committees

The Monitoring Officer presented a report proposing the appointment of members of the Standards Committee to the Allegations Sub-Committee, Allegations Appeals Sub-Committee and the Hearings Sub-Committee for the 2009-10 municipal year.

RESOLVED that for the 2009-10 municipal year the membership of the Standards Committee sub-committees be as follows:-

Allegations Sub-Committee

Derek Coe (Chairman)
Ray Gamble
Vivienne Eden

Allegations Appeals Sub-Committee

Sven Farmer (Chairman)
Malcolm Bartier
Sonia Lewis

Hearings Sub-Committee

Peter Fitton (Chairman)
Steven Mee-Roberts
Ian Andrews
Nigel Chapman
Gillian Brown