

# STANDARDS COMMITTEE

## 4 MARCH 2011

*Present :-* Mr P. Fitton (Independent Member) Deputy Chairman  
Chairman  
Councillor Abnett  
Mr Andrews (Independent Member)  
Councillor Bartier  
Councillor Chapman  
Councillor Chuah  
Mr Coe (Chairman) (Independent Member)  
Mr Farmer (Independent Member)  
Councillor Gamble

### 14. Minutes

The minutes of the meeting held on 26 November 2011 were confirmed as a correct record subject to the addition of the words "be noted" at the end of the resolution to minute 12.

### 15. Standards and the Localism Bill

The Committee considered a report from the Monitoring Officer providing an update on the Government's proposals in relation to standards contained in the Localism Bill.

The Monitoring officer explained that the Localism Bill was expected to receive Royal Assent early in 2012 and that it would come into force on 1 April 2012. Once the Act took effect, there would not be a mandatory enforceable national Code of Conduct in place. Standards for England would be abolished and the requirement to establish local Standards Committees would end. Individual local authorities, including parish councils, would become responsible for their own standards framework. District Councils would no longer be responsible for standards in parishes within their area. Councils could adopt a Code of Conduct voluntarily and create a voluntary Standards Committee and the Monitoring Officer reported that preliminary work had been undertaken to develop a Code of Conduct that would apply across Essex to ensure that consistently high standards across the County. However, whilst any such voluntary regime would be binding on all members of any authority that adopted it, it would not be backed with the power to suspend or disqualify a member from office.

The Monitoring Officer also explained the proposals relating to interests in the Bill. The Bill provided for the establishment by the Monitoring Officer of a register of members interests. Failure to register or declare an appropriate interest would become a criminal offence. It was anticipated that such allegations would normally be passed back to the relevant authority to investigate in the first instance, which could lead to Monitoring Officers or Parish Clerks having to conduct formal "under caution" interviews with Councillors. It was felt that this system would be more cumbersome and expensive than the existing system and could criminalise innocent or relatively unimportant mistakes.

In discussion, it was confirmed that individual parish councils would need to form their own Standards Committees. The position of the Colchester Association of Local Councils (CALC) was explored. Whilst CALC could recommend a Code of Conduct to individual parish councils it could not adopt a Code on their behalf. The Monitoring Officer agreed to a request to address a meeting of CALC on the proposals in the Bill and to offer guidance and support.

Concerns were expressed by members of the Committee that the current system was being dismantled as it had worked well in Colchester.

It was noted that the Government would issue a formal consultation process on the proposals later in 2011 and the Committee indicated that it needed to be ready to respond to the consultation quickly. In addition the Council needed to be prepared to act quickly to ensure that an effective system was put in place in April 2012. To this end, the Monitoring Officer would bring a voluntary code of conduct to a future meeting of the Committee.

*RESOLVED* that:-

- (a) the contents of the Monitoring Officer's report be noted;
- (b) the Monitoring Officer submit further reports on the implications of the Localism Bill once these are known.

## **16. Standards Committee Annual Report 2010/11**

The Committee considered a report from the Monitoring Officer recommending that the Committee approve its Annual Report for 2011/12.

In discussion a number of minor amendments were suggested to the Annual Report. The Committee endorsed the report, which it considered was a report to be proud of and expressed its thanks to all those who worked on and supported the Committee. The Monitoring Officer, in consultation with the Chairman, was authorised make any amendments that were necessary to report on the Committee's activities up to the end of March 2011.

*RESOLVED* that:-

- (i) the Standards Committee Annual Report 2010/11 be approved subject to the following amendments:-
  - the addition of the words "did not meet" after the words in brackets in the final sentence in paragraph 5.1;
  - the final sentence of the first paragraph of paragraph 5.4 to be amended to read:

"The Independent Members ensured that at least one of them were present at each session".

- the first sentence of the second paragraph of paragraph 5.4 to be amended to read:

"The Committee was concerned that all Councillors should receive adequate training on the Code of Conduct to ensure that they are up to date with developments and able to fulfil the functions for which they are elected in a proper manner."

(ii) the Monitoring Officer in consultation with the Chairman be authorised to make any necessary changes in the Annual Report to give effect to the Committee's activities up to the end of March 2011.

*RECOMMENDED* to Council that the Standards Committee Annual Report 2010/2011 be noted.

## **17. Revised Anti-Fraud and Corruption Policy**

The Committee considered a report from the Head of Resource Management proposing a revised Anti-Fraud and Corruption Policy. Hayley McGrath, Risk and Resilience Manager, attended to assist the Committee.

It was confirmed that the Anti-Fraud and Corruption Policy had been reviewed. The only amendment had been the inclusion of details relating to the Bribery Act 2010 and the updated version of the Benefits Sanctions Policy. In discussion a number of amendments were proposed to the policy were proposed, as follows:-

- in the first sentence of the second paragraph on page 2 the replacement of the word "that" with the words "those who";
- in the first sentence of the section entitled "Culture" the reference to "prevention/detection" to be amended to read "prevention and detection". The third sentence of this paragraph needed to be define more clearly the circumstances in an allegation would be treated in confidence. In the third paragraph of this section it was suggested that a reference should be made to the screening process to which allegations were subject.
- any references to "fraud/corruption" to be amended to read "fraud or corruption";
- in the section entitled "Responsibilities of the Head of Resource Management" at page 4 the phrase "wide range of delegated powers both formal and informal" was too open ended and needed to be more closely defined.
- in the section entitled "Official Guidance" on page 6 the phrase "due regard" needed to be defined.

*RESOLVED* that the Revised Anti-Fraud and Corruption Policy be agreed subject to the amendments set out above.

*RECOMMENDED* to Council that the Revised Anti-Fraud and Corruption Policy be included in the Council's Policy Framework.

## **18. Vivienne Eden**

The Chairman explained that Vivienne Eden had resigned from the Standards Committee following her resignation from Tiptree Parish Council. The Committee asked that its thanks to Vivienne for her service on the Standards Committee be noted and recorded.

*RESOLVED* that the Committee's thanks to Vivienne Eden for her service on the Standards Committee be noted and formally recorded.