

## SOUTH RIBBLE BOROUGH COUNCIL

## Standards Committee

## Minutes of the meeting held at 4.30pm on Thursday 3 March 2011

**Present:-**

Mr R Atkinson (Independent Chairman) in the chair  
 Independent Members Mr Ellison and Mr Holt  
 Borough Councillors Breakell, Heyworth, Otter, Palmer and Mrs Robinson  
 Parish Councillors Mrs Gelder, Mrs Houghton and Mitchell

**In attendance:-**

Maureen Wood (Director of Corporate Governance), David Whelan (Legal Services Manager) and Andy Houlker (Senior Democratic Services Officer)

**Public attendance:-** None**Other Members & Officers:-** Councillor Mullineaux and two officers

Minute No.	Description/Resolution
26	<p><b>Apologies for Absence</b>            An apology for absence was submitted on behalf of Councillor Foster.</p>
27	<p><b>Declarations of Interest</b>            There were no declarations of interest.</p>
28	<p><b>Minutes of the Last Ordinary Meeting of the Standards Committee</b>            UNANIMOUSLY RESOLVED:            that the minutes of the last ordinary meeting held on 2 December 2010 be signed by the Chairman.</p>
29	<p><b>Future of the Standards Regime</b>            The Director of Governance gave the committee a presentation on the Future of the Ethical Standards Framework (copy appended to these minutes).</p> <p>Whilst a great deal was still unknown about the specific details of the implications of the Localism Bill on the future of the standards regime it was felt it would be business as usual for 2011 and depending on the progress of the Bill this could continue into early 2012. The government had previously stated its rationale for change as being that the current regime was not felt to be compatible with the Localism Agenda as Standards for England was a non-elected body issuing centrally prescribed guidance.</p> <p>There was concern that whilst councils would still be expected to maintain and promote high ethical standards by its members, the proposals could undermine this. One significant aspect was the abolition of the national Code of Conduct for Elected Members although councils could choose to adopt a voluntary code. However, as previously understood and discussed there were a number of issues around a voluntary code and censure appeared to be the only sanction if a member was in breach (although a criminal sanction was to be introduced if a member failed to declare or register interests).</p> <p>There were also proposals to liberalise the rules for members in respect of pre-determination, as the government felt the current approach was too conservative and restricted members' ability to speak and represent the interests/wishes of their residents before a matter was decided. There was concern that the proposals went too far and were too loose and some members felt they needed to know what they could or couldn't do.</p>

There was a view that the retention of a code clearly told a member how they should behave, and was a badge of integrity. If a member refused to sign a voluntary code, it was suggested this could be included on the borough council's website for public consumption.

The committee discussed a number of issues including the pros and cons of adopting a voluntary code for members, whether there should continue to be a Standards Committee separate to the Governance Committee (this was considered to be a matter for the new administration after the forthcoming elections), whether sub-committees should be used to consider complaints about members' conduct, whether parish and town councils were going to take responsibility for their own ethics and standards and who would be responsible for the determining requests for dispensations. Nationally a large proportion of issues regarding members' conduct related to parish and town councils and in respect of South Ribble it was felt the existing system had worked well to date.

Whilst there was support for a voluntary code for members, there was also a view that if a future voluntary code could only censure it seemed rather pointless and what about those members who declined to sign up to it. The council had a number of protocols members signed up to in addition to the code (such as anti-fraud strategy and equal opportunities policy) and there was also liaison with group leaders etc. However, it was felt it would be very difficult to maintain cohesion of members adhering to a voluntary code if it was not bound by law.

It was anticipated that the areas of uncertainty would be clarified when the regulations associated with the localism legislation were published.

The Chairman commented that following the borough and parish elections in May 2011 those elected members would be subject to the existing standards regime until the Localism Bill took effect. In the proposed regime, he wondered what the role of Independent Members would be if at best there was a voluntary code of conduct for members, but no real powers to sanction if breached by a member. Whilst the existing regime had created its own problems/issues the proposed changes in the Localism Bill appeared to go too far in the opposite direction.

The Director commented that in the first two years of the local standards regime there had been approximately 6000 complaints of which 28% of those investigated had been considered to be on trivial or vexatious matters. During the same period this borough council had had 16 complaints, 5 of which were investigated (each taking approximately 100 days), and there had been 2 hearings whose outcomes were overturned on appeal.

There was a view that the retention of a code clearly told a member how they should behave, and was a badge of integrity.

The Corporate Director reminded the committee that even if there was no longer a code the borough council still had a responsibility to maintain and promote high ethical standards by its members.

The Legal Services Manager commented that at present the Standards Committee was different from the other committees in having an Independent Chairman etc. When the Localism Bill became law, it was envisaged the committee would lose its special status.

#### RESOLVED UNANIMOUSLY

That the views and comments expressed during the discussion of this item be taken up with the council's new administration following the borough and parish councils' elections in May 2011.

At this point the Chairman took the opportunity to thank both Councillors Breakell and Palmer as they were not seeking re-election and this was their last meeting of this committee. He thanked them for their services and support and wished them well for the future outside the council.

..... (Chairman)



## The future of the Ethical Standards Framework

Maureen Wood

Monitoring Officer



## Context

- Abolition of Standards for England
- Abolition of the First Tier Tribunal
- No requirement to have a Standards Committee
- Power to suspend Members removed



## What's left?

- Members to accept the 'Nolan Principles'
- Comply with the duty to promote and maintain high standards of conduct
- Adopt or not adopt a Code of Conduct



## Interests and registers

- Criminal sanctions for failure to declare or register Interests
- Prosecution and/or standards sanction
- Will the DPP be interested in technical breaches?
- Will the rules be too complex?



## Regulation in practice

- Merge Ethical Standards with Governance Committee?
- Sub Committee for complaints?
- Low level sanctions – what's the point?
- Parish Councils?



## What next?

- Current system in place until end of 2011
- Future – a much lighter approach?
- Voluntary Code?
- Engaging with Members to shape what's right for South Ribble
- Next steps – your views