



STANDARDS COMMITTEE

THURSDAY 19 JANUARY 2012 AT 7.30 PM

GADE ROOM, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Cllr Flint
Cllr Lloyd
Cllr Rance

Cllr Allan (Tring Town Council Member)
Mrs J Brown (Independent Member)
Mrs E Heylin (Independent Member)

Cllr Wood
Cllr Burfot (Nettleden with Potten
End Parish Council Member)

Mrs S Savage (Independent Member &
Chairman)
Cllr Steer (Bovingdon Parish Council Member)

Also requested to attend:

The Assistant Director (Legal, Democratic and Regulatory) and a Member Support Officer.

For further information, please contact Pauline Bowles, Member Support Officer, on Tel: 01442 228221, Fax: 01442 228264, E-mail: pauline.bowles@dacorum.gov.uk or visit our web-site: www.dacorum.gov.uk

PART I

Item	Page No.
1. Minutes	1
2. Apologies for Absence	1
3. The Localism Act 2011 - Changes to the Standards Regime	2
4. Date of next Meeting	12
5. Exclusion of the Public	12
Appendix A Minutes of the meeting held on 8 September 2011	13

1. MINUTES

To confirm the minutes of the meeting held on 8 September 2011 (Appendix A).

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

4. DATE OF NEXT MEETING

To inform Members of the dates for the next Standards Committee

Thursday 15 March 2012.

5. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to:

DACORUM BOROUGH COUNCIL

STANDARDS COMMITTEE

8 SEPTEMBER 2011

Present -

MEMBERS:

Borough Councillors, Lloyd, Rance and Wood Town and Parish Councillors John Allan, (Tring Town Council), and Julie Steer (Bovingdon Parish Council) and Independent Members, Joanna Brown and Shelley Savage (Chairman).

OFFICERS:

Steven Baker Assistant Director (Legal, Democratic & Regulatory) and Monitoring Officer and Pauline Bowles (Member Support Officer).

The meeting began at 7.30 pm.

1. MINUTES

The minutes of the meeting held on 13 January 2011 were confirmed by the Members present and were then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Borough Councillor Flint, Independent Members Eileen Heylin and Parish Councillor Burfot (Nettleden with Potten End Parish Council)

3. CHANGES TO THE STANDARDS REGIME IN LOCAL GOVERNMENT

The Monitoring Officer summarised his report on the changes to the Standards Regime in Local Government as currently set out in the Localism Bill.

The following points were raised:

- A relationship between the Borough Council and Town/Parish Councils regarding Standards exists at present and gives jurisdiction to the Borough Council and the Monitoring Officer. This will cease under the new regime and the Town/Parish Councils will have to decide for themselves if they wish to have a code and how they will deal with complaints and sanctions.
- The one complaint that is pending should be concluded by the time the changes come into force.
- At a meeting of Monitoring Officers from Hertfordshire Local Authorities the general consensus was that most of the District Councils and the County Council are leaning towards having some sort of Code and possibly a common

code which would alleviate the difficulties associated with multi-hatted Councillors who could otherwise be subject to two or three separate codes.

- One Member felt that the consequences of a Countywide Code of Conduct would need to be thought through particularly in relation to the implications of a politically proportioned Standards Committee and the logistics of administering the standards of 120 parishes across the County.
- Town/Parish Councils need to be kept informed so that they can put this item onto their agendas and reflect on how they can maintain high standards within their own Town/Parish.
- There have been relatively few complaints to the Standards Committee and the majority of the complaints have been against Town/Parish Councillors. This might mean that Town/Parish Councils need guidance in an easy to understand format.
- One of the Independent Members felt that the inclusion of Independent Members on the Standards Committee avoided the opportunity for bias and the existing model works well.
- The Chairman felt the process of the National Code took a long time to finalise and it was therefore important to prepare for the changes and set a timetable.
- Mr Baker commented that the majority of Monitoring Officers would agree that the present Code is too technical, bureaucratic and difficult to interpret. He added that although the Localism Act will repeal the existing Model Code of Conduct, it will still be part of the Council's Constitution that was adopted by the Council and a decision will therefore have to be made by Full Council to either, retain the existing Code, adopt a new Code of its own, or have no Code at all. It is thought that most Councils will choose to adopt an uncomplicated voluntary Code of its own.
- It was suggested that it was almost impossible to have anything in place by February and it would be therefore be advisable to keep the existing arrangements in place until an alternative is drawn up and agreed.
- The Monitoring Officer pointed out that if the Council wanted to continue with the existing Code, they could re-appoint the Standards Committee but the composition would change to a politically balanced committee and if the Council wanted non-Borough Council Members to serve on the Committee, they will have to co-opt, but only up to a third of the total Committee.
- Complaints have been dealt with in-house and this has been a strain on resources. Even minor complaints are time consuming, often disproportionate to the gravity of the breach. External investigators charge on average between £10 - £15k per case.
- A Parish representative commented that even if there were fixed costs Parishes would find it hard to budget because they would never know how many complaints might be made against their Parish Councillors.
- The Government's argument for the changes is that the existing system is very costly. The electorate have the opportunity every 4 years to get rid of bad Councillors and if a Member commits a criminal offence the courts will deal with them. The Monitoring Officer advised that the Director of Public Prosecution will only be interested in cases where there is evidence that a Member has gained personally and falls into the category of corruption. However it is not yet clear how this will be brought to the attention of the police.

A report on the Localism Bill, including the changes to the Standards regime is going to Cabinet in October and this is likely to be the trigger for the Executive to consider how they take these issues forward.

Resolved

1. That the report be noted
2. That the Town/Parish Councils be notified of the changes to the Standards Regime in Local Government as currently set out in the Localism Bill and the warning that there are likely to be cost implications for them associated with any decisions.

4. REASONS FOR MAINTAINING A STANDARDS COMMITTEE FOR DACORUM BOROUGH COUNCIL – THE VIEW OF THE INDEPENDENT MEMBERS

The Chairman introduced the item that she herself (on behalf of the Independent Members) requested to be placed on the agenda for consideration by the Standards Committee.

The following comments were made:

- Public perception is paramount and therefore a reason to retain the Standards Committee.
- It is essential for Parish Councils to have a framework for Standards.
- It is expected that the majority of Parish Councils will wish to continue with the existing Codes.
- It is not within the remit of the Standards Committee to establish or not establish a Standards Committee.
- The good reputation of the Council is maintained by the conduct of the Members of the Council, not necessarily through the Standards Committee.
- A procedure for dealing with complaints needs to be in place.
- Although the Government's view is that Standards Committees are not necessary, there is still the option to have one.
- Independent Members can provide the role of an unbiased 'friend'
- Before the Model Code of Conduct came into existence in 2000 the Council adopted a voluntary Code and there has been a Standards Committee since the 1980's
- A voluntary Code of Conduct requires a mechanism to put it in place.

Resolved

That the Standards Committee considered the report but no recommendation was made.

10. DATES OF NEXT STANDARDS COMMITTEE MEETINGS

Thursday 19 January 2012
Thursday 15 March 2012

The meeting ended at 8.37 pm.