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**DACORUM BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**19 DECEMBER 2012**

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Present -

**MEMBERS:**

Borough Councillors: Cllr Lloyd, Cllr Mrs Flint, Cllr Mrs Green (Chairman) and Cllr Mrs Rance;

**TOWN AND PARISH COUNCIL CO-OPTED REPRESENTATIVES:**

Cllr John Allan, (Tring Town Council)  
Cllr Robin McCarthy (Aldbury Parish Council) substitute for Cllr Julie Steer

**INDEPENDENT CO-OPTED REPRESENTATIVES**

Andrew Russell

**ALSO IN ATTENDANCE**

Rachel Keil (Independent Person)

**OFFICERS:**

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

The meeting began at 7.30 pm.

**10. APPOINTMENT OF CHAIRMAN**

Resolved:

That Councillor Mrs Green be appointed Chairman for the Standards Committee to serve until the Annual Meeting of Council of the Council in 2013

**11. MINUTES**

The minutes of the meeting (amended as notified) held on 20 September 2012 were confirmed by the Members present and were then signed by the Chairman.

**12. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf Borough Councillor Wood; Town and Parish Council Co-Opted Representative Julie Steer (Bovingdon Parish Council).and Independent Co-opted Representative, Amy Willcox.

### **13. NEW STANDARDS REGIME - UPDATE**

The Monitoring Officer summarised his report giving an update on the implementation of the new standards regime which came into force in July 2012.

The Monitoring Officer confirmed that the following essential elements to the Standards Regime are now in place.

- Code of Conduct was adopted, but can be amended by Full Council. Part of the remit of the Standards Committee is to monitor the operation of the Code and recommend any changes to Full Council.
- The Independent Person (Rachel Keil) was duly appointed at the November Council meeting.
- The Council chose to appoint a Standards Committee. All appointments to the Committee are now in place.
- The Terms of Reference for the Standards Committee were adopted by Full Council at the November meeting and now form part of the Council's Constitution.
- A new procedure for handling complaints was agreed at the last meeting of the Standards Committee. Members asked for two changes; a time limit of 20 working days for making a decision on whether to investigate a complaint and amendments to the complaint form. There is now a form relating to complaints about a Borough Councillor and a separate form relating to complaints about Members of Town and Parish Councils. The Monitoring Officer circulated copies of the amended forms.
- The Members' Register of Interests for Borough Councillors and Town/Parish Councillors (apart from Kings Langley and Chipperfield Parish Council) were completed and published on the Council's website.
- Training on the Code of Conduct still needs addressing. This will commence with training for the Independent Person and members of the Standards Committee on complaints handling.

Councillor McCarthy referred to Paragraph 9.8(d) (Register of Members' Interests) and pointed out that the wording should be "notification of the receipt of any gifts or hospitality over the value of £25". The Monitoring Officer agreed and said it would be changed.

Councillor McCarthy also referred to the Equalities Monitoring of the complaints form and asked about the feasibility of having an opt-out box. The Monitoring Officer said that local authorities are required under equalities legislation to monitor how we are performing, but people cannot be compelled to fill in this part of the form and if this part is left blank, it will not prevent the complaint from being dealt with.

Councillor Allan asked about the Code of Conduct drawn up and adopted by each Town and Parish Council. He also asked if the Parish and Town councils could appoint their own Standards Committee and how this would affect the handling of a complaint. The Monitoring Officer replied, although there were certain requirements that had to be contained in a Code of Conduct, the contents of the Code were largely for each council to decide. There is nothing to prevent a Town or Parish Council appointing a Standards Committee if it wanted to. If a complaint is made to a Town or Parish Council, the law is clear that the Borough Council's arrangements need to be able to deal with that complaint. It would be up to the complainant to decide if he/she wants the complaint heard by the Borough Council irrespective of whether the Town or Parish Council has its own Standards Committee.

Resolved:

1. That Members note the progress made in implementing the new standards regime introduced by the Localism Act 2011.
2. That the Committee instruct the Monitoring Officer to arrange for appropriate training for the Independent Person and the Members of the Committee in consultation with the Chairman of the Committee.

**14. GENERAL DISPENSATIONS**

The Monitoring Officer summarised his report to advise Members of the need to grant a general dispensation under the Localism Act 2011. He explained that the Localism Act introduced Disclosable Pecuniary Interests which are very specific and listed in the Code. They are very similar to prejudicial interests that existed under the old system where standard exceptions were built in to the Code, such as for a Councillor who is Council tenant not being debarred from taking part in discussions about the Council's housing function. The Localism Act did not carry forward those exceptions and all Members would have to apply for dispensation to allow them to take part in matters such as setting the Council Tax for example.

It is proposed that a general dispensation be granted in response to individual applications. A standard letter addressed to the Monitoring Officer is recommended to be provided to all Members at the next Full Council meeting on 16 January 2013 requesting dispensation before the Budget setting meeting on 27 February 2013.

The Monitoring Officer said that he has written to all Town and Parish Clerks because the same dispensations are required. It has to be the Town and Parish Councils that grant the dispensation to its own Members.

Resolved:

1. That a general dispensation is granted to allow Members to participate in a debate on a matter and vote notwithstanding that they may have a Disclosable Pecuniary Interest where that matter relates to the functions of the Council as are specified in paragraph 4 of the report.
2. That the general dispensation referred to above shall apply until the next election of the Council.
3. That the Monitoring Officer circulates the request as set out in the annex to the report to all Members of the Council for signature requesting dispensation in the circumstances set out in paragraph 4 of this report.
4. That the power to grant dispensations in response to such requests be delegated to the Monitoring Officer.

## **15. DATE OF NEXT STANDARDS COMMITTEE MEETINGS**

Resolved:

That the following dates be noted:

### **Dates for 2013**

Thursday 14 March 2013

Wednesday 12 June 2013

Thursday 12 September 2013

Wednesday 11 December 2013

## **16. EXCLUSION OF THE PUBLIC**

Resolved:

That, under s.100A of the Local Government Act 1972 Schedule 12A Part 1, Paragraph 12 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 was likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to individuals whose identity is likely to be revealed if the report was to be disclosed. (Minute 17).

(Local Government Act 1972, Schedule 12A, Part 1, paragraphs 1 and 2).

## **17. COMPLAINTS UPDATE**

Receipt of a complaint against two members of Dacorum Borough Council and the outcome of the initial assessment by the Monitoring Officer in consultation with the Independent Person was reported.

An issue arose from the discussion about how Members return calls from residents and whether there was a need for a standard letter/email that could be used especially when there is excessive contact or where the matter raised by the resident has been dealt with by the Member.

The Monitoring Officer commented that the Local Government Ombudsman has issued advice about dealing with serial complainers that suggests ways of closing down certain complaints. The Monitoring Officer offered to provide this information to the Committee at a future meeting.

Resolved:

The report was noted

The meeting ended at 8.00 pm.