

**Minutes of the
Standards Committee**

7 July 2008

Councillors

Angie Mills
*Janet Mockridge
Ben Stride

**Independent
Members**

Anthony Case
Julian Cioffi

Parish Council Reps

Mary Hamblin (Lancing)
Ken Bashford (Sompting)

*= Absent

Mr J Cook, Executive Head of Legal and Democratic Services in the Chair.

S/89/08- 09 Election of Chairman

Resolved that Mr Anthony Case be appointed as Chairman of the Committee for the period to the Annual Meeting of the Council in 2009

Mr Case took the Chair.

S/90/08- 09 Vice-Chairman

Resolved that Mr Julian Cioffi be appointed as Vice-Chairman of the Committee for the period of the Annual Meeting of the Council in 2009.

S/91/08-09 Questions & Statements by the Public

Members of the public were invited to ask questions or make statements about any matter for which the Council had a responsibility or which affected the district.

S/92/08- 09 Confirmation of the Minutes

Resolved

That the Minutes of the meeting of the Committee held on 10 March 2008 be approved as a correct record and be signed by the Chairperson.

S/93/08- 09 Items Raised under Urgency Provisions

There were no items to be considered under the urgency provisions.

S/94/08- 09 Declarations of Interest

No declaration of interests were declared

S/95/08- 09 Applications for Dispensations

There were no applications for dispensations.

Councillor Mills requested clarification and assistance from the Monitoring Officer, she explained that a former councillor had a planning application due to be considered at the next meeting of the Development Control Committee, with the political control of the Council it

was likely that a number of the committee could consider that they had a interest in the application.

The Monitoring Officer advised Councillor Mills and the committee that the members of the Development Control Committee should use his test of friendship (the cup of tea test) and apply for a dispensation. As there were no meetings of the Committee scheduled before 29 July (the Development Control Committee date), he suggested that the Committee could consider delegating to him the determination of dispensations in this case – dispensations would only apply if more than 50% of the Development Control Committee had a prejudicial interest.

The Committee considered the matter and the action proposed by the Monitoring Officer, agreeing that the Members be written to as a matter of urgency inviting their consideration of the matter and that applications should be made to the Monitoring Officer forthwith.

Resolved that

- (i) the members of the Development Control Committee be written to urging urgent consideration of their position in relation to this planning application with the suggestion to use the 'cup of tea' test as to whether or what interest they had, advising that applications for dispensations should be made to the Monitoring Officer
- (ii) authority be delegated to the Monitoring Officer for the determination of dispensations in this particular matter

S/96/08- 09 Committee Terms of Reference

The Committee had before it a report by the Executive Head of Legal and Democratic Services, copies of which had been circulated to all members and a copy of which is attached to the signed copy of these minutes as Item 8.

The report detailed the Committee's new terms of reference since the adoption of Executive decision making by a Leader and Cabinet in May 2008.

Resolved that the report be noted.

S/97/08- 09 Local Assessment of complaints

The Committee had before it a report by the Executive Head of Legal and Democratic Services, copies of which had been circulated to all members and a copy of which is attached to the signed copy of these minutes as Item 9.

The report invited the Committee to note the requirements of The Standards Committee (England) Regulations 2008; to consider the number of Independent Members on the Standards Committee and whether there should be an increase in independent members; recommended the establishment of relevant sub-committees for the assessment, review and determination of complaints about the conduct of Members and finally for the Committee to make any necessary recommends to the Constitution and Audit Committee.

The Monitoring Officer explained the new local assessment method and also the guidance requiring that a quorum of the Sub-Committees was required to be 3. At all times 3 persons of the sub-committee were required to be present, he was therefore proposing a membership

of 4 to ensure compliance with this. Where a parish matter was to be considered one of the 4 would have to be a parish member.

The Monitoring Officer also explained that he sought authority to allocate the memberships of the committees when required, otherwise it would be necessary to call a meeting of the full committee each time to allocate the memberships. This time delay would use up some of the 20 day processing time for assessments.

In answer to a question, the Monitoring Officer confirmed that the chairpersons were required to be an Independent Member.

Resolved that

- (i) the Standards Committee establish three Sub-Committees to consider complaints against Members.

The Sub-Committees are named:

- a. The Assessment Sub-Committee;
- b. The Review Sub-Committee; and
- c. The Local Determinations Sub-Committee

- (ii) the membership of the Sub-Committees shall consist of two elected Members and two independent members, with the quorum to be 3
- (iii) the Constitution and Audit Committee be invited to recommend to Council that the membership of the Standards Committee be increased to include two additional independent members.
- (iv) the authority to allocate Members and independent members to sub-committees for assessment, review and determination of complaints should be delegated to the Monitoring Officer in consultation with the Chair or, in their absence, Vice Chair of the Standards Committee.

Recommendation to the Constitution and Audit Committee:

that the Committee recommend to Council

- i. that the membership of the Standards Committee be increased to include two additional independent members.
- ii. that authority to allocate Members and independent members to sub-committees for assessment, review and determination of complaints should be delegated to the Monitoring Officer in consultation with the Chair or, in their absence, Vice Chair of the Standards Committee.

S/98/08- 09 Complaints Assessment process

The Committee had before it a report by the Executive Head of Legal and Democratic Services, copies of which had been circulated to all members and a copy of which is attached to the signed copy of these minutes as Item 10.

The report requested that the Committee agree the process for the assessment and review of complaints about Members breaching the Code of Conduct and also to publicise the Complaints process.

Those present agreed that whilst the Monitoring Officer was based at the Town Hall in Worthing, complaints should be addressed to the Civic Centre.

The Chairman agreed that he would consider and advise Democratic Services on some wording or quote to use in the main paragraph in Annex 1

Resolved that

- (i) the contact for complaints is the Monitoring Officer
- (ii) whilst the Monitoring Officer was located at Worthing Town Hall all complaints should be addressed to the Civic Centre, Ham Road, Shoreham-by-Sea BN43 6PR or e-mail to a designated e-mail address such as monitoringofficer@adur.gov.uk.
- (iii) the new complaints procedure be publicised using the document in Annex 1 to the report
- (iv) the agreed procedure for the receipt, assessment and review of complaints is as set out in Annex 2 of the report, and that this procedure is added to the Council's Constitution.

S/99/08- 09 Code of conduct and Members Register of Interests – Updates

The Committee had before it a report by the Executive Head of Legal and Democratic Services, copies of which had been circulated to all members and a copy of which is attached to the signed copy of these minutes as Item 11.

The Committee was reminded that the Council adopted the new Code of Conduct in July 2007 with a requirement that all members (elected, co-opted and independent) complete and return the Code and Register of Interest Forms by 20 August 2007. The Committee received a number of monitoring reports to ensure that the documents were completed in the timescale and received updates from the Monitoring Officer on action taken.

This current report is the monitoring following the District and Parish Elections on 1 May and the Annual Council on 20 May 2008.

The Monitoring Officer remarked that having recently viewed the returns from the new Adur District, Lancing and Sompting Parish Council's it was necessary for some work to be done on clarifying the differences between giving examples and where the information should be placed. A number of returns had the information added to the example column.

The Monitoring Officer confirmed that following the elections in May 2008, he had now had sight of all the necessary forms; one or two had had to be returned for amendment.

Resolved that the Register of Interest Form be reviewed and returned for agreement to the Committee as detailed in the Forward Work Plan

S/100/08- 09 Members Code of Conduct – additional requirements

The Committee had before it a report by the Executive Head of Legal and Democratic Services, copies of which had been circulated to all members and a copy of which is attached to the signed copy of these minutes as Item 12.

On 14 April 2008 the Council adopted a new Constitution, this came into effect from the Annual Meeting on 20 May taking the Council to executive decision making.

The Council in July 2007 adopted the Model Code of Conduct for Members but not all the sub-paragraphs in Section 9 (relating to Disclosure of personal interests) as these related to 'executive decisions'.

The Committee was invited to recommend to Council, on 8 July, that it formally adopt two additional paragraphs in the Model Code of Conduct now that the Council was considered to be an Executive form of decision making (Leader with Cabinet) .

Resolved that the following recommendation be made to Council:

Recommendation that the Standards Committee recommends that Council adopt two sub-paragraphs to Part 2 Paragraph 9 (Disclosure of personal interests) in the Council's Code of Conduct for Members as follows:

'(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

'(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

S/101/08- 09 Forward work programme 2008/09

The Committee had before it a report by the Executive Head of Legal and Democratic Services, copies of which had been circulated to all members and a copy of which is attached to the signed copy of these minutes as Item 13.

The report set out an indicative programme for Standards Committee for the period 2008/09.

It was agreed that the amended Interest Form would be considered at the October meeting.

Resolved that the work programme

- (i) as amended be agreed as the indicative programme for 2008/09 as set out in Appendix A.
- (ii) may be supplemented by any other matters relating to the Committee's functions as arising during the year.

S/102/08- 09 Standards Committee – Future training

The Committee was informed that Worthing Borough Council's standards committee was receiving training from the Monitoring Officer on Wednesday 16 July at 6pm in Worthing.

The training would be on the new complaints procedure. Members of the committee were invited to attend this training session and also to agree a date for the Adur training at which those members of the Worthing's Standards Committee unable to make the 16th July would be invited.

It was agreed that a training session be arranged for the week commencing 4 August 2008.

Resolved that the training for the Adur Standards Committee be held in the week of 4 August 2008 and those Worthing Standards Committee members unable on the 16 July to attend be offered the opportunity to attend the Adur session.

The Chairperson declared the meeting closed at 7.35 pm, it having commenced at 7:00pm

CHAIRPERSON

Jas/standards/7.07