

Minutes

Standards Committee
Wednesday, 29 February 2012
Meeting held at Committee Room 4a - Civic
Centre, High Street, Uxbridge UB8 1UW



Present: Allan Edwards (Chairman), Malcolm Ellis (Vice-Chairman), James Keys, Councillors Barrett, Corthorne, Curling, Hensley, Khursheed, Lewis, Markham and Riley

Officers Present: Messrs Alagh and White

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Harmsworth, for whom Councillor Curling was substituting

2. MINUTES

RESOLVED: That the minutes of the meeting of the Committee held on 5 September 2011 be taken as read and confirmed.

3. DECLARATIONS OF INTEREST

The Chairman, Vice-Chairman, Mr Keys and Councillor Lewis declared a personal interest in item 8 'The Localism Act 2011 – A New Ethical Framework'.

4. CONFIRMATION THAT ALL ITEMS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THOSE MARKED PART II, IN PRIVATE

5. REVIEW OF WORK PROGRAMME

The Committee's work programme for 2012 was noted.

6. GIFTS AND HOSPITALITY ANNUAL REPORT

The Committee noted declarations of gifts and hospitality made during 2011 by both officers and Members. It was agreed that the Head of Democratic Services remind Members of the requirement to declare offers that were declined, as well as those accepted. In addition officers would be encouraged, where appropriate to donate gifts to the Mayor's charity.

RESOLVED: That the contents of the report be noted and the Head of Democratic Services remind Members of the requirement to declare offers of gifts or hospitality that are declined, as well as those accepted.

7. STANDARDS AND ETHICS INDICATORS

Members considered the annual report providing summary information on a range of topics by which to gauge the corporate ethical health of the authority.

RESOLVED: That the report be noted.

8. THE LOCALISM ACT 2011 - A NEW ETHICAL FRAMEWORK

Members considered details of the Localism Act 2011 which had received Royal Assent on 15 November 2011 and which made a number of significant changes to the ethical framework for Members and co-opted members of local authorities as it appeared in the Local Government Act 2000. Details of the changes were summarised for Members' information and the steps which the Council had already taken, and which it still needed to take, in order to comply with the requirements of the Act were noted.

In considering the requirements of the Act the Committee noted that the Council would have to adopt a Code of Conduct consistent with the following seven principles [commonly known as the Nolan principles of standards in public life]:

- selflessness;
- integrity;
- objectivity;
- accountability;
- openness;
- honesty;
- leadership.

and that the Code would have to provide for what the Council considered appropriate in respect of the registration in its register and disclosure of both pecuniary and non-pecuniary interests.

In considering the format of the new Code, Members felt that a 'minimalist' approach should be taken and that it should contain only what was required by the Act.

It was agreed that the Code should be accompanied by a Standards Committee to monitor the ethical health of the authority and the operation of the Code. Although it was noted that the likely sanctions that could be applied by the authority to Members found to be in breach of the Code had been greatly watered down by the Act, Members nonetheless concurred that the Standards Committee should retain an Assessment Sub-Committee and a Hearings Sub-Committee to deal with allegations of breaches of the Code. However, Members felt strongly that the Whips' Protocol should play a leading role in the initial consideration of complaints.

The Committee also noted the new role that the Act envisaged for an independent person and that such a person could not be appointed as an independent person if at any time during the previous 5 years the person had been a Member, co-opted member or officer of the authority.

Finally it was noted that Section 25 of the Act made changes to the law on predetermination although the common law rules on bias remained as they were. Although the changes applied to all decision making by Members, nevertheless they principally applied to the areas of planning and licensing. The Monitoring Officer had sent a Briefing Note to all Members of the Council in relation to section 25 which would be reproduced in the Planning Code of Conduct.

RESOLVED: That the report be noted and a further report be prepared by the Borough Solicitor and the Head of Democratic Services for consideration at the next meeting which will ask the Committee to make a number of recommendations to full Council to reflect the comments made above and which will give full effect to the changes made to the ethical framework for Members and co-opted members by the Act.

9. COMPLAINTS MONITORING

This item was discussed in Part II as it contained confidential information as defined in the Local Government (Access to Information) Act 1985.

The Committee noted details of the complaints made against Members in the last six months.