

STANDARDS COMMITTEE

17 MAY 2012

Present: Independent Members

K Emmons (Chair)
A Bailey
M Chowdhree
M Haftel

Councillors

N Bell, A Burtenshaw and S Rackett

Officers

Head of Legal & Property Services
Democratic Services Manager

6 **APOLOGIES FOR ABSENCE**

There were two replacements for this meeting:

Councillor Burtenshaw replaced Councillor Crout
Councillor Bell replaced Councillor Dhindsa

David Armsworth-Maw was absent without apologies.

7 **DISCLOSURE OF INTERESTS (IF ANY)**

There were no disclosures of interest.

8 **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 12th January 2012 were submitted and signed

9 **DRAFT CODE OF CONDUCT/ APPOINTMENT OF AN INDEPENDENT PERSON**

The Committee received a report of the Head of Legal & Property Services. The Committee was asked to consider which of the Codes it wished to recommend to Council on 23rd May 2012 and to note the position with regard to the appointment of an Independent Person.

The Localism Act received Royal Assent on 15 November 2011. The provisions in the Act in relation to standards would come into effect on 1 July 2012. The

current ten General Principles and Model Code of Conduct would be repealed and Members would no longer have to give an undertaking to comply with the Code of Conduct. The Council was, however, required to adopt a new Code of Conduct governing elected and co-opted member's conduct when acting in that capacity.

A suggested Code, which had been drawn up by a collaboration of legal teams in Herts, Essex and Suffolk, had been put to the Standards Committee at its meeting on 12th January and its recommendations put to the Constitution Working Party on 23rd February 2012. The Working Party had recommended that the Code be adopted by Council.

Draft Codes had since been issued by the Local Government Association and the Department of Communities and Local Government Association. Copies of all three draft codes were attached to the report. The Head of Legal & Property Services said that in her view, the Codes put forward by the Local Government Association and the Department of Communities and Local Government were too wide in their approach and she would recommend the adoption of the Code previously considered by the Committee.

Regulations to be made under the Act would also require the registration and disclosure of "Disclosable Pecuniary Interests" (DPIs) and these were expected to broadly equate to the current prejudicial interests. In addition, the provisions of the Act required an authority's Code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests but the regulations in relation to these had still not been published.

The Act established a new category of Independent Persons. The Independent Person had to be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council (not just of those present and voting). Current Independent Members could not take up the position.

An advertisement had been placed in the Watford Observer on 20th April. The advertisement also appeared on the Council's website. Four people had contacted the Democratic Services Manager regarding the position but none had taken their interest any further.

The Head of Legal and Property Services advised that she intended to contact her fellow Monitoring Officers in neighbouring Councils to see if any of the Independent Members of their current standards committee might be interested in taking on the role of Independent Person. It was proposed that interviews would be conducted by the newly appointed members of the Standards Committee and then recommended to Council.

An Independent Member commented that a lot of experience was being lost.

The Head of Legal & Property Services responded that it was quite possible that the Independent Members of this committee might be approached to act as Independent Persons for other neighbouring authorities. She added that the

new role was very different and she could understand why there had been a limited level of interest.

A Council Member commented that there appeared to be no real dialogue or context with the new arrangements. He considered, however, that the original draft was the most suitable and the Committee agreed.

The Head of Legal & Property Services advised that a report would go to Council the following week which would re-establish the existing committee until 30 June and establish a new committee, comprising councillors only, to take effect from 1st July when the new arrangements came into force.

She thanked the Independent Members for their contribution to the committee: Councillor Rackett added his thanks to those Independent Members who had sat on a number of sub committees which he had chaired.

RESOLVED

1. that the Draft Code of Conduct attached as Appendix A to the report be recommended to Council
2. that the Committee notes the position with regard to the appointment of an Independent Person.

Chair
Standards Committee

The Meeting started at 5.00 pm
and finished at 5.15 pm