

WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS

**THE EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET,
KIDDERMINSTER**

16TH APRIL 2012 (6 PM)

Present:

Councillors: R Bishop, H E Dyke, D R Godwin, M B Kelly, C D Nicholls,
M A Salter, N J Thomas.

Independent Members:

Rev J A Cox (Chairman) T J Hipkiss and R Reynolds, Councillor Hodson and T
Swift,

Observers:

Councillor P Dyke

ES.28 Apologies for Absence

Apologies for absence were received from Councillors: G W Ballinger,
M J Hart. Mrs C A Noons (Vice-Chairman)

ES.29 Appointment of Substitutes

Councillor M A Salter was a substitute for Councillor M Hart.

ES.30 Declaration of Interests

No declarations of interest were made.

ES.31 Minutes

**Decision: That subject to the minutes recording that Councillor Hodson,
T Swift, and C A Noons were in attendance minutes of the meeting held
on 22nd March 2012 be confirmed as a correct record and signed by the
Chairman.**

ES32. The Localism Act 2011. The Amended Standards Regime

The Committee received a report from the Director of Localism and
Community Assets on the requirements of the Localism Act 2011 to replace
the current Member Conduct regime.

The Director of Localism and Community Assets outlined that papers and
discussed each of the issues in turn. During debate the following points were
raised.

Issue 1 – The establishment of the Standards Committee and its composition.

- The committee must be politically balanced.
- The importance of an Independent Person and their strategic and independent role.

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- The need for the Independent Person to be able to vote and changes to the roles could be seen as a retrograde step.
- That the skills developed by the current Independent Members would be lost.
- That there was a possibility of 'pooling' the current independent members so that they could be used throughout Worcestershire.
- Overtures needed to be made to central government regarding independent persons.
- That cooptee's were required.
- The strength of the current committee was in its independent members and that there was no bias in the current arrangement.

Issue 2 – The District Council has to decide what it will include in its Code of Conduct

- Further legislation was awaited regarding Discloseable Pecuniary Interests (DPI).
- That a register would be required of all DPI's.
- It would be a criminal offence if a DPI was not registered within 28 days.
- There would be no requirement to declare a DPI at a meeting although for transparency Members should withdraw.
- The Committee felt that this was not transparent and that the requirements were badly worded, however they would await further guidance once the supplementary legislation was issued.

Overall the Committee felt that the information currently available on DPI's was confusing and needed greater clarification.

Issue 3 – The District Council has to decide what arrangements it will adopt for the dealing with Standards Complaints and for taking action where a Member is found to have failed with the Code of Conduct.

- There was to be a simplified mechanism for dealing with complaints, although this would be based on the current procedure; however appeals would be open to judicial review.

Issue 4 – How many Independent Persons are required?

- The Monitoring Officer would be authorised to advertise for Independent Persons as required.

Issue 5 – Preparation of the Registers

- Members were concerned that without the secondary legislation regarding DPI's the composition and compilation would be difficult.

Issue 6 – What Standing Orders should the Council adopt in respect of withdrawal from meetings

- A standing order would be needed that required Members to withdraw from meetings.

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- Transparency was important, and although the Act did not require DPI's to be declared in a meeting, it did not mean that it wasn't a good thing and was something that the Council could adopt.
- Cabinet Members with a DPI should not take a single decision under their portfolio powers.

Members felt that it was difficult to make decisions on this when the legislation had not been finalised, however they did thank the Monitoring Officer involved for their expertise in this matter.

Issue 7 (8 of the report) – What arrangements would be appropriate for granting dispensations.

- Dispensations should be granted only if they met the circumstances as set out in the report.

Members felt that the Independent Person could be called upon to adjudicate on a number of things. The Director of Community Assets and Localism clarified that the Chairman of the Standards Committee would have the casting vote as required by the Local Government Act 1972.

Members concluded that they have reservations about the legislation and guidance. The Director of community Assets and Localism agreed to circulate the guidance on DPI's as soon as it was available.

Decision;

- 1. Representations be made to LGA regarding the appointment of Independent Members to a Councils Ethics and Standards Committee.**
- 2. The contents of the report be noted and the draft code be recommended to Council.**

There being no further business the meeting ended at 18:20