

## **STANDARDS COMMITTEE – Meeting held on Monday, 15<sup>th</sup> January, 2007.**

### **Present:-**

#### **Co-opted Independent Members:-**

The Reverend Paul Lipscomb (Chair), Messrs Fred Ashmore and Mike Field.

#### **Elected Members:-**

Councillors Mohammed Aziz, John Finn, Latif Khan and Mewa Mann.

**Apologies for absence:-** Councillor Lydia Simmons, Mr Zahir Khan and Colnbrook with Poyle Parish Councillor Laurie Tucker.

### **PART I**

#### **13. Declarations of Interest**

None.

#### **14. Minutes**

The minutes of the meeting of the Committee held on 11<sup>th</sup> October, 2006 were approved as a correct record and signed by the Chair.

#### **15. Minutes of the Standards (Local Determination) Sub-Committee**

The minutes of the Standards (Local Determination) Sub-Committee meeting held on 20<sup>th</sup> November, 2006 were noted.

#### **16. Member and Officer Indemnities**

The Director of Law and Corporate Governance submitted a report to the Cabinet Meeting on 22nd January, 2007 setting out the provisions of the Local Authorities (Indemnities for Members and Officers) Order 2004. Prior to the introduction of the Order, both Members and Officers enjoyed statutory immunity from civil liability where they acted within the powers of the Authority in good faith and without negligence. However, immunity did not apply where they went beyond the powers of the Authority or acted in bad faith or negligently, or when they were acting on Outside Bodies to which they had been appointed by the Council. Neither did the statutory immunity protect Members and Officers from criminal liability, for example, in respect of charges of manslaughter. The 2004 Order conferred upon local authorities the power to grant indemnities and/or to take out insurance to cover the potential liability of Members (including Co-opted Members) and Officers in a wider range of circumstances. The Director of Law and Corporate Governance summarised those activities covered by and those outside the scope of the power to indemnify and indicated that, subject to the restrictions set out in the 2004 Order, it was up to each Council to decide the extent of any indemnities granted and insurance provided.

## **Standards Committee - 15.01.07**

He circulated a draft policy on the terms of indemnity, based on the provisions of the 2004 Order, setting out, amongst other things, the circumstances in which the Council would and would not consider indemnifying a Member or Officer; the limit/extent of any indemnification and the procedure for submitting and considering applications for indemnification. Although the majority of the situations set out in the proposed Policy were currently covered by the Council's existing insurance policies, the Director of Finance and Property was seeking quotations for extending the Council's insurance cover to meet the additional risks provided for under the proposed Policy.

Under the draft Policy the Standards Committee was given the responsibility for deciding whether or not a Member or an Officer was granted an indemnity and if so on what terms such indemnity would be granted. It was for this reason that the draft policy was submitted to the Committee for consideration with a view to it making recommendations thereon to the Cabinet and Council.

### **Resolved –**

- (a) That the Cabinet and Council be recommended to approve the adoption of the draft Policy on Terms of Indemnity now submitted.
- (b) That details of any terms of insurance or quotations received by the Director of Finance and Property in respect of cover for the Council's liability under the Policy on the Terms of Indemnity be reported back to the Cabinet and Standards Committee for approval.

### **Recommended -**

- (c) That the Terms of Reference of the Standards Committee be amended by the inclusion of the following:-

“To decide any requests from a Member or Officer for indemnity as set out in the Council's adopted Policy on Terms of Indemnity”.

## **17. Review of Council's Ethical Framework Documentation**

In accordance with the Committee's decision at its meeting on 11<sup>th</sup> October 2006, the Officers submitted for review a copy of the current Planning Public Participation Scheme and the Member/Officer Relations Code of Conduct.

### Planning Public Participation Scheme

The Planning Public Participation Scheme was currently being reviewed by the Member Panel on the Constitution and that Panel at its meeting on 11<sup>th</sup> January, 2007 had proposed a few minor amendments details of which were submitted to the Committee for consideration. The Head of Planning and Strategic Policy indicated that the Scheme had been introduced primarily to provide people objecting to a planning application with rights of representation to the Planning Committee. To date the scheme had worked well and had proved to be administratively manageable.

## **Standards Committee - 15.01.07**

During consideration of the proposed revised scheme, attention was drawn to paragraph 9 dealing with the presentation of objections. It was suggested that it should be amended to require the submission of any questions or documentary evidence e.g. letters, maps, photographs, etc. in support of an objection to the appropriate Planning Officer at least 72 hours before the meeting. This would allow any such documents to be verified and to be given proper consideration by the Committee.

### Member/Officer Relations Code of Conduct

The Chair pointed out that the revisions to the Local Code of Conduct for Members which were now expected to be published in time for the local elections in May 2007 were likely to have implications for the Member/Officer Relations Code. In view of this he proposed that any review of the Code should be deferred pending the publication and adoption of the revised Local Code of Conduct.

### **Resolved –**

- (a) That the revised planning public participation scheme incorporating the Member Panel on the Constitution's amendments be approved subject to the amendment of paragraph 9 relating to the presentation of objections as now proposed.
- (b) That the Member Panel on the Constitution be advised of the Standards Committee's decision on this matter.
- (c) That the review of the Member/Officer Relations Code of Conduct be deferred pending the publication and adoption of the revised Local Code of Conduct for Members.

## **18. 5th Annual Assembly for Standards Committees**

The Chair reported orally on the 5<sup>th</sup> Annual Assembly for Standards Committees which had been held in Birmingham in October 2006. He indicated how disappointed he and Steven Quayle, the Monitoring Officer, had been with the content of the formal sessions, as contrary to prior promises and indications, no new information had been provided regarding the proposed changes to the Local Code of Conduct. However, what he and the Monitoring Officer did find of interest and benefit were the informal breakout sessions and networking opportunities the Assembly had provided. As a result of information and ideas exchanged with other delegates he had identified a number of matters which he proposed the Committee should pursue which included the following:-

- Redesigning the format of the Committee's Annual Report to make it more accessible to the public and incorporating additional information on the Committee's objectives and work programme for the forthcoming year.
- On-going training provided for Standards Committee Members including the submission of case studies for consideration.

## **Standards Committee - 15.01.07**

- Introduction of an informal reconciliation procedure as an alternative to the submission of complaints to the Standards Board for England/Monitoring Officer.
- Submission of regular information reports to the Standards Committee e.g. on 'gifts and hospitality' and 'work programme progress'.
- Greater involvement of the Standards Committee in the work of the Parish Councils including attendance at Parish Meetings from time to time.
- Reviewing and, if necessary, updating the current terms of reference of the Standards Committee.
- Reviewing the membership and constitution of the Standards (Local Determination) Sub-Committee and the procedures and administrative arrangements for Sub-Committee meetings.

It was suggested that when the Committee considered the revised Local Code of Conduct the Group Leaders should be invited to attend the meeting in order to learn first hand what they thought of the revisions proposed and to seek their support in ensuring that their Members observed the Code. It was felt that it would also be beneficial to involve the Group Leaders at an early stage in drawing up an informal reconciliation procedure as proposed above.

### **Resolved –**

- (a) That the oral report of the Chair and future action outlined therein be noted.
- (b) That at the appropriate time the Group Leaders be invited to attend a meeting of the Committee to consider and discuss the revisions to the Local Code of Conduct.

Chair

(Note: The Meeting opened at 6.15 p.m. and closed at 7.05 p.m.)