



STANDARDS COMMITTEE

2.30pm – 3.00pm

3 February 2012

Present: Mr P Franzen (chair), Mr C Thrower (vice chair) Councillors Gihawi, Grenville and Lubbock

Apologies: Councillor Lay

1. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 17 June 2011.

2. CHAIR'S ANNOUNCEMENT

The chair referred to the new seven "Nolan" principles of public life which had been introduced to replace the ten general principles previously in place.

3. THE LOCALISM ACT 2011 AND IMPLICATIONS FOR THE COUNCIL AND THE STANDARDS FRAMEWORK

The monitoring officer drew attention to section 9 of the report which briefly outlined the implications for the standards framework resulting from the Localism Act 2011. He explained that Standards for England was to be scrapped. A new procedure for standards and a new code of conduct for councillors needed to be put in place which would encompass the 7 Nolan principles.

An issue was raised about Section 9.4 of the report which specified that an independent person's view must be sought on the investigation of allegations against councillors. The concern was about the lack of experience that such a person might have. The monitoring officer understood the issue but explained that legal advice had been sought and a Queen's Counsel (QC) had confirmed that there was a requirement that previous independent standards committee persons could not be independent persons for the purposes of the 2011 Act.

Councillor Lubbock had concerns about the registering of interests because it would be a criminal offence for a councillor who failed to register an interest, the scrutiny officer agreed that it was not always obvious to individuals what is, and what is not, an interest. Councillor Lubbock asked if all councillors could receive a six monthly reminder.

The monitoring officer said that the new regime would not commence until July 2012 even though the Localism Act was now law and the procedures had not yet been introduced. He said that training would be available for the new civic year in May. Mr Franzen said that guidance was needed and that example interests should be included in the training. He also said that councillors should be made aware of the impending changes.

The monitoring officer said that the new code of conduct requirements had been discussed jointly by all of Norfolk council leaders who had recently agreed to ask nplaw to work with monitoring officers on a joint code of conduct: this would simplify things for councillors who served on more than one council.

Mr Franzen said that many standards issues were related to parish councils and he suggested that Norwich city council opt out of any issues that related specifically to parishes. The monitoring officer said that Norfolk county council would be in the same position.

The monitoring officer explained that the QC had clarified what sanctions could be used for breaches of the new code and these were:

- a formal letter
- formal censure by council
- removal from committees by council
- press release

Suspension of members' allowances would exceed the powers of the council. There was a consensus that these sanctions weaken the new regime. The scrutiny officer said that the idea of the localism bill is to empower communities so that behavioural issues would be dealt with through the elections process.

Mr Franzen asked if councils would be protected under a qualified privilege scheme if they were to issue press releases and effectively name and shame councillors. He added that care would need to be taken to ensure that this would not be litigious. The monitoring officer said this would be checked through the nplaw solicitors.

RESOLVED to:

- (1) write to members as a result of this meeting explaining the changes that would be coming later in the year regarding it being made a possible criminal offence to fail to declare an interest.
- (2)
 - (a) note that the council will need to move to a local code of conduct based on the seven Nolan principles
 - (b) delegate the monitoring officer to work with other authorities in Norfolk in looking at the possibility of developing a standard code of conduct.

CHAIR