



Minutes of the meeting of the STANDARDS COMMITTEE held on THURSDAY 8 NOVEMBER 2012 at 5.36 pm

Present: Councillor Jury (Chair)
Councillors Bradburn, P Geary, McKenzie, Miles, Richards (Substitute for Eastman) and Zealley
Parish Councillors Geddes and Livingstone

C Ensor, V Fernandes, C Fogden and J Jones (Independent Members)

Officers: P McCourt (Assistant Director Law & Governance), K Hulatt (Solicitor) and T Milner (Committee Manager)

Apologies: Councillors Eastman, A Geary, Hopkins and Parish Councillor Wilkes

ST18 ELECTION OF CHAIR

RESOLVED –

That Councillor Jury be elected Chair of the Standards Committee for the year 2012/13.

ST19 APPOINTMENT OF VICE-CHAIR

RESOLVED –

That Councillor McKenzie be appointed Vice-Chair of the Standards Committee for the year 2012/13.

ST20 MINUTES OF PREVIOUS MEETING

RESOLVED -

That the Minutes of the Standards Committee meeting held on 30 August 2012, be approved and signed by the Chair as a correct record.

ST21 INDEPENDENT PERSONS UPDATE

The Committee noted that the overarching purpose of the Independent Person, was to assist the Authority in promoting and maintaining high standards of conduct by elected and co-opted Members of the appointing authorities, and of parish or town councils

It was reported that an Independent Persons Workshop had been held on 15 October 2012 at Bedford Borough Council, and a meeting of the Independent Persons was scheduled in December 2012, where the new processes and workings adopted by the various authorities would be discussed. Feedback on the meeting would be provided to the next meeting of this Committee.

The Committee accordingly considered the value to Milton Keynes Council of having a Memorandum of Understanding with the Independent Persons.

The Committee heard from the Assistant Director (Law and Governance) and that there were a number of issues to be resolved which included the number of meetings to be attended, Disclosures of Interest and payments to be made to the Independent Persons. It was noted that further discussions and work were required with the various authorities involved on the Memorandum of Understanding.

RESOLVED –

1. That the report be noted.
2. That the Monitoring Officer be authorised to continue discussions on a Memorandum of Understanding with the other participating Authorities and the Independent Persons.
3. That the Memorandum of Understanding be submitted to a meeting of the Committee for consideration prior to its approval.

ST22

ASSESSMENT OF COMPLAINTS – LOCALISM ACT SECTION 28 ARRANGEMENTS

The Committee considered the assessment of complaints since the provisions of Section 28 of the Localism Act 2011 came into effect July 2012.

The Committee noted that since 1 July 2012 the Authority had been under a duty to put in place arrangements under which complaints made under the Codes of Conduct, adopted both by parish and town councils and by Milton Keynes Council might be investigated and determined.

The Committee heard from the Assistant Director (Law and Governance), that Milton Keynes Council had adopted an approach that required all cases be determined by a Sub-Committee of the Standards Committee. It was noted that other authorities had delegated the initial assessment of a complaint to the Monitoring Officer in liaison with an Independent Person.

RESOLVED –

That arrangements for the initial assessment of complaints as attached at Annex A to the report be adopted.

ST23

LOCALISM ACT – ARRANGEMENTS IN MILTON KEYNES: UPDATE AND WORK PROGRAMME

The Committee received details of measures taken to implement the various requirements of the Localism Act 2011, in as far as it related to ethical standards issues, particularly with regard to the parish and town councils, which included the advice on the Disclosure of Interests, adoption of a Code of Conduct and training for parish and town councils.

The Committee heard from the Assistant Director (Law and Governance), that as at the end of October 2012, 21 out of 46 Parishes had responded had adopted a Code of Conduct and that parish and town councils which had not responded.

The Committee also received details of outstanding work, which had been co-opted into a work programme.

Further to the decision of the Committee on 11 July 2012 to review the Council's Code of Conduct after 6 months of operation, the Committee considered establishing a Working Group to review the Code.

RESOLVED –

1. That the Work Programme be approved subject to the inclusion of an additional Action 09, for the inclusion of appointment of Parish Councillors.
2. That a Working Group be established to review the Code of Conduct.
3. That Councillors Eastman and Jury, and a Labour Party representative be appointed to the Working Group, together with a Parish Councillor representative and an Independent Person.

ST24

DISPENSATIONS

The Committee considered a process for the granting of dispensations for Members under Section 33 of the Localism Act 2011.

RESOLVED -

That the Monitoring Officer be authorised to grant dispensations under Section 33 of the Localism Act, on the basis that:

1. the Monitoring Officer has regard to all relevant circumstances;
2. the matter to be considered is, in the opinion of the Monitoring Officer, urgent;
3. the dispensation will only be granted for one meeting on a specified date;
4. the dispensation is granted on the grounds that the Monitoring Officer considers that:
 - (a) without the dispensation the number of persons prohibited by Section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; and

- (b) without the dispensation each Member of the Authority's Executive would be prohibited by Section 31(4) from participating in any particular business to be transacted by the Authority's Executive.
- 5. The Monitoring Officer, where he has used his delegated powers to grant a dispensation will report the use of the power to the next meeting of the Committee.

THE CHAIR CLOSED THE MEETING AT 6:33 PM