



Lewes District Council

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Standards Committee

Minutes of a meeting of the **Standards Committee** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Monday 11 June 2012** at **2.00pm**

Present:

Mrs J M Redman (Independent Member– Chair on election)
Councillor D McBeth (Ditchling Parish Council)
Councillor C Terry (Peacehaven Town Council)
Councillors J V Harris and C S Lambert (Lewes District Council)

Officers Present:

R Allan, Scrutiny and Committee Officer
C Knight, Corporate Head - Legal and Democratic Services

Minutes

1 Election of Chair

Resolved:

1.1 That Mrs J M Redman be elected Chair for the meeting.

2 Minutes

The Minutes of the meeting held on 25 April 2012 were approved as a correct record and signed by the Chair.

3 Apologies for Absence

Apologies for absence had been received from Mr G Eysenck (Independent Member), Mr E P O Mercer (Independent Member), Councillor K Baker (Plumpton Parish Council) and Councillor E E J Russell (Lewes District Council).

4 Code of Conduct for Lewes District Council

The Committee considered Report No 100/12 which detailed the three possible drafts for a new Code of Conduct for Councillors:

- An “East Sussex Code”, based largely on the existing Code of

Action

Conduct.

- Local Government Association (LGA) Code.
- Communities and Local Government (CLG) Code.

The Corporate Head – Legal and Democratic Services took the Committee through the Report. She advised that the Localism Act 2011 required that Councils had in place a Code that governed elected and co-opted members' conduct when acting in their official capacity. The new Code should be consistent with the seven Nolan Principles of Public Life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Corporate Head – Legal and Democratic Services advised that a survey had been undertaken and that initial feedback on the three model Codes had been received from District Councillors. The feedback showed that Councillors were divided in their opinions, but that the East Sussex Code and the CLG Code were favoured over the LGA Code. Councillors had felt that the joint East Sussex Code's level of detail and similarity to the present Code was an advantage and that there were further advantages in the adoption of the same Code of Conduct across authorities in East Sussex, especially for twin-hatted Councillors. Councillors who preferred the CLG Code felt that its advantages were its clarity and simplicity, but it was essential that the seven Nolan Principles of Public Life be included within the CLG Code if that were to be the preferred option. Councillors advised against the Council's adoption of the Local Government Association's (LGA) Code of Conduct due to its lack of detail.

The Scrutiny and Committee Officer updated the Committee on various local authorities in East Sussex in regards to their adoption of a Code of Conduct. She advised that most authorities were adopting the East Sussex model, for example Rother District Council, Eastbourne Borough Council, Wealden District Council and East Sussex County Council. In response to a Councillor's question, the Corporate Head – Legal and Democratic Services advised that whilst there were merits in consistency across East Sussex, especially for Councillors who sat on more than one Council, it was entirely open to the Council to choose whichever Code it wanted.

In response to a Councillor's question, the Corporate Head - Legal and Democratic Services explained that Regulations yet to be made under the Act required the registration and disclosure of 'Disclosable Pecuniary Interests' (DPs), which would be similar to current prejudicial interests.

The Committee felt, after taking into consideration the feedback received from District Councillors, that the ESCC and CLG model Codes were the more appropriate Codes for the Council. It added that the ESCC Code was the preferred option out of the two, as most other Councils in East Sussex were adopting that Code. Councillors reiterated that Town and Parishes had free rein to adopt any of the three Codes.

Resolved:

- 4.1** That the Corporate Head – Legal and Democratic Services be requested to write to all Town and Parish Councils in the District to inform them which Code of Conduct the Standards Committee recommends to Council;

CH-LDS

It was further

Recommended:

- 4.2** That Council adopt the East Sussex Joint Code of Conduct for Lewes District Council;

SCO

- 4.3** That if Council chooses not to adopt the East Sussex Joint Code, it adopt the Department of Communities and Local Government Code of Conduct, subject to the inclusion in full of the seven Nolan Principles of Public Life; and

SCO

- 4.4** That whichever Code is adopted, the Corporate Head - Legal and Democratic Services be authorised to incorporate any requirements which may be set out in Regulations (yet to be published) which councillors are required to comply with as a matter of law.

CH-LDS

5 Standards Procedure for dealing with complaints about Councillor conduct

The Committee considered Report No 101/12 which detailed the proposed procedures for dealing with complaints about Councillor's conduct.

The Corporate Head – Legal and Democratic Services took the Committee through the Report. She advised that under the previous Standards regime, Standards for England had produced a substantial volume of mandatory guidance that related to the handling of complaints which local authorities were obliged to follow. The guidance covered both the Monitoring Officer's investigative process and the procedures to be put in place if there was a need for a hearing. She added that much of the guidance was very useful, but some of it had been overly complicated.

The Corporate Head – Legal and Democratic Services took the Committee through the three draft guidance documents:

- Arrangements for dealing with complaints about Councillor conduct.
- Investigations Procedure.
- Hearing Procedure.

The Corporate Head – Legal and Democratic Services advised that the Council had given delegated power to her in her role as Monitoring Officer to update these procedures if and when changes were required. The Committee noted that all the documents were straightforward and would be

placed on the Council's website once adopted.

The Corporate Head – Legal and Democratic Services drew the Committee's attention to page 26 of Report No 101/12 which detailed the process for the local resolution of complaints. This section outlined how the Monitoring Officer might be given discretion to deal with certain complaints without a need for a hearing. She took the Committee through the complaints procedure and the reasons that would allow the Monitoring Officer to conclude that a complaint would not justify investigation. Members welcomed the inclusion of procedures which the Monitoring Officer might use to resolve complaints at an early stage without the need for a hearing and agreed that the Monitoring Officer should have discretion to deal.

Resolved:

- 5.1 That a vote of thanks be accorded to the Independent Members of the Standards Committee for their work on the Committee in recent years;
- 5.2 That the Council adopts "Arrangements for dealing with complaints about Councillors conduct" as set out in Appendix 1 of Report No 101/12;
- 5.3 That the Council adopts "Investigations Procedure" as set out in Appendix 2 of Report No 101/12;
- 5.4 That the Council adopts "Hearings Procedure" as set out in Appendix 3 of Report No 101/12; and
- 5.5 That the above procedures be published on the Council's website.

6 Date of the Next Meeting

Resolved:

- 6.1 That it be noted that the next meeting of the Committee will be called as necessary.

All to note

The meeting ended at 3.00pm

J M Redman
Chair