

Minutes



To: All Members of the Standards Committee, Chief Executive, Chief Officers

From: Legal, Democratic & Statutory Services
Ask for: Elaine Shell
Ext: 25565

STANDARDS COMMITTEE 16 NOVEMBER 2017

ATTENDANCE

MEMBERS OF THE COMMITTEE

N Bell, D J Hewitt (Chairman), R G Parker, A Plancey, W J Wyatt-Lowe (Vice-Chairman)

OTHERS PRESENT

Independent Person: T Morris

Upon consideration of the agenda for the Standards Committee meeting on 16 November 2017 as circulated, copy annexed, conclusions were reached and are recorded below:

Note: No conflicts of interest were declared by any member of the Committee in relation to the matters on which decisions were reached at this meeting.

PART I ('OPEN') BUSINESS

1. MINUTES

- 1.1 The Minutes of the Committee meeting held on 27 February 2017 were confirmed as a correct record and were signed by the Chairman.

2. GENERAL DISPENSATIONS

[Officer Contact: Kathryn Pettitt, Chief Legal Officer (Tel: 01992 555527)]

- 2.1 The Committee was reminded that the Localism Act 2011 ('the Act') had introduced the concept of Disclosable Pecuniary Interests ('DPIs') and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 had

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defined the categories of Member interests that would constitute DPIs under the 2011 Act; one such category was *'any employment, office, trade, profession or vocation carried on for profit or gain'*. Also included in the list of DPIs which Members were required to register was any beneficial interest or any licence (alone or jointly with others) to occupy land for a month or longer which the Member, his/her spouse or civil partner or person with whom they are living as such had within the administrative area of the County Council. Since the Act had been brought in there had been some discussion around some of the provisions in the 2011 Act relating to standards, what the DPI categories encompassed and their impact on certain items of Council business. The Government had not issued any guidance on the issue of whether the payment of an allowance (whether Basic or Special Responsibility Allowance) should be registered as a DPI category; there was no judicial interpretation on the point nor whether being a council tax payer created a DPI for purposes of budget debates.

- 2.2 It was a criminal offence for a Member present at a meeting to participate in any discussion of a matter or to vote on a matter in which s/he had a DPI unless s/he had been granted a dispensation. For the avoidance of doubt, therefore, the Chief Legal Officer considered that it would be appropriate for the Committee to grant a general dispensation to Members to enable them to participate and vote in the setting of the Council Tax and precept when they would otherwise be prevented from doing so in consequence of having a disclosable pecuniary interest arising from receipt of an allowance under the County Council's Allowances Scheme, or that of a District or Borough Council on which a Member also served, or where they had a beneficial interest in or held a licence (alone or jointly) of land within the County.
- 2.3 Members considered the proposal noting the grounds for granting such dispensations (set out in paragraph 5 of the report). It was agreed that the effect of not granting the recommended dispensations would be a risk of impeding the transaction of the Council's business. The Committee also considered that the Act provided that dispensations should be granted for a period of up to 4 years.

RESOLVED

- 2.4 1. That the Chief Legal Officer be authorised to grant dispensations from the provisions of Sections 31(4)(a) and (b) of the Localism Act 2011, such dispensations to last until the date of the County Council election in 2021 to allow all Members who have a disclosable pecuniary interest arising from an allowance:
- (a) under the Hertfordshire County Council Members' Allowances Scheme; or
 - (b) under the Members Allowances Scheme of another local authority in Hertfordshire; or
 - (c) from a body to which they have been appointed to by the Hertfordshire

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to participate in debate and vote on:

- (i) any business of the County Council relating to setting the council tax or a precept;
 - (ii) allowances, payments or indemnities given to Members of the Council; and
 - (iii) any business of the County Council relating to the Integrated Plan where they may otherwise be prevented from doing so in consequence of being in receipt of an allowance as mentioned in (a) to (c) above.
2. That the Chief Legal Officer be authorised to grant dispensations from the provisions of Sections 31(4)(a) and (b) of the Localism Act 2011 such dispensations to last until the date of the County Council election in 2021 to allow all Members to participate and vote in any business of the County Council relating to setting the council tax or precept when they would otherwise be prevented from doing so in consequence of a beneficial interest or licence (alone or jointly) of any land within the administrative area of Hertfordshire.

3. STANDARDS UPDATE

[Officer Contact: Kathryn Pettitt, Chief Legal Officer (Tel: 01992 555527)]

- 3.1 Members were provided with an update on standards issues, as summarised below:-

Member Training

- 3.2 Member training on standards and the Member Code of Conduct had been included as part of the Member induction programme following the County Council elections in May 2017; the Chief Legal Officer had also offered to attend Group Meetings to provide further training and information on standards issues (e.g. the declaration of interests at meetings).
- 3.3 The Committee considered that all new Members should be strongly advised to attend the training undertaken within Group Meetings.

Protocol with Hertfordshire Police in relation to DPI Offences

- 3.4 A review of the protocol in place between Hertfordshire Monitoring Officers and Hertfordshire Police for the referral of potential Disclosable Pecuniary Interest offences under the Localism Act 2011 had been undertaken. The review resulted in some minor amendments being made which sought to clarify the process for referral. The revised protocol was currently being circulated for

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signature by Hertfordshire Monitoring Officers.

DCLG Consultation

- 3.5 The Committee was advised that the Department for Communities and Local Government (DCLG) was consulting on proposals to update the criteria barring individuals from becoming or being a local councillor or directly-elected mayor. The Government proposed to amend the disqualification criteria, so that individuals would be banned from standing for office if there were (a) on the sex offenders register, (b) were subject of an Anti-Social Behaviour Order, or (c) subject of a Criminal Behaviour Order. The consultation also proposed that the new rules would apply to councillors and mayors in parish, district, county and unitary councils, London boroughs, combined authorities and the Greater London Assembly.
- 3.6 Whilst supportive of the proposed amendments, and of any disqualification criteria which would support public trust and confidence in elected persons, the Committee considered that the consultation provided no supporting rationale for the inclusion of (b) and (c) above. The Committee also considered that, rather than being applied only to those serving in local government, the disqualification criteria should be applied to all elected persons, including Police and Crime Commissioners, Parliamentary candidates and Members of both Houses of Parliament.
- 3.7 Members also considered that it was not clear why the proposals should have any impact on the discharge by local authorities of their public sector equalities duties, and agreed that clarification should be sought on how any change to the disqualification criteria would be enforced and how any individual subject of them would be identified.
- 3.8 The deadline for responses to the consultation was 8 December 2017.

RESOLVED

- 3.9 1. The Committee noted the report.
2. It was UNANIMOUSLY AGREED that the Chief Legal Officer should respond to the Department for Communities and Local Government consultation entitled 'Disqualification criteria for Councillors and Mayors' on the Committee's behalf expressing its views as set out at paragraphs 3.6 and 3.7 above.

4. OTHER PART I BUSINESS

- 4.1 There was no other Part I Business.

KATHRYN PETTITT
CHIEF LEGAL OFFICER

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