

STANDARDS COMMITTEE

MINUTES OF A SPECIAL MEETING of Standards Committee held on Monday 16 July 2012 at 4.00 pm in Conference Room A, Civic Offices, Portsmouth.

(NB These minutes should be read in conjunction with the agenda for the meeting which can be found at www.portsmouth.gov.uk.)

Present

Councillors Peter Eddis
Terry Hall
Leo Madden
Les Stevens
Simon Boshier

Officers

Mr Michael Lawther, City Solicitor and Monitoring Officer

5 Election of Chair for the Meeting (AI 1)

As independent members ceased to be eligible for participation on the Standards Committee from 30 June 2012, a chair had to be elected for this meeting. It was proposed by Councillor Simon Boshier and seconded by Councillor Eddis that Councillor Terry Hall be appointed as chair for this meeting and this was agreed.

6 Apologies for Absence

Apologies for absence were received from Councillor Alistair Thompson as he had to attend a meeting at his workplace.

7 Declarations of Members ' Interests

The City Solicitor explained that there had been a change in what now needed to be disclosed by councillors and that this was set out in Appendix 2 of the report.

8 Minutes of the Meetings of Standards Committee held on 14 May and 18 June 2012

RESOLVED that the minutes of the meetings of Standards Committee held on 14 May and 18 June 2012 be confirmed and signed by the chair as a correct record.

9 Changes to the Council's Constitution as a result of the Localism Act 2011

(TAKE IN REPORT)

The City Solicitor introduced the report which had been written as a result of the Localism Act 2011. He explained that

- The Act repeals the current model code of conduct but the council is required to adopt a code which is based on the Nolan principles which was also the basis of the old code.
- There is no longer a requirement for a councillor to give an undertaking to comply with the code of conduct when the office of councillor is accepted.
- Under the relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, councillors are now required to register and disclose "disclosable pecuniary interests" (DPIs). The concept of "personal and prejudicial interest" is now repealed. The City Solicitor drew attention to the following which do not now have to be disclosed under the Act:
 - (a) Membership of other local authorities, public or charitable bodies and lobby groups.
 - (b) Receipts of gifts or hospitality with an estimated value of at least £25.
- The council has to maintain a register of disclosable pecuniary interests and all members will be asked to update their register of interests forms in due course to ensure that their registration reflects the legislative changes. It is also a legislative requirement that the register is available on the council's website, something which this council has done for some time.
- The register of interests must be completed within 28 days of becoming a councillor but whereas before failure to do so would prevent the person from acting as a councillor, in future failure to do so will be a criminal offence.
- Once an interest is registered, the councillor will not need to disclose the interest in a meeting but must withdraw and take no further part in the consideration of the matter. Councillors will however be able to return to the room to make a deputation but again must withdraw during any subsequent discussion.
- It is now a criminal offence to participate in a discussion or vote in any meeting where a councillor has a DPI.

The City Solicitor said that the implementation of the Localism Act meant that the council is no longer required to have a separate Standards Committee. The Act also repeals the provisions requiring 25% of the Standards Committee to be independent members including the chairman and that those independent members have voting rights. He said that the proposal before the committee today was that the Standards Committee is merged into the Governance & Audit Committee and that the

Governance & Audit Committee assumes responsibility for matters which were previously within the terms of reference of the Standards Committee. He explained that draft terms of reference for the merged committee are attached at Appendix 4.

With regard to complaints in the event of a breach of the code, the old arrangements are repealed but the council is required to have arrangements for dealing with complaints of breaches of the code.

The City Solicitor drew members' attention to paragraph 7 of the report dealing with independent persons and said that the list of applicants was attached at Appendix 5.

Following discussion, the following matters were clarified:

- The City Solicitor said that co-opted members of all Portsmouth City Council's committees come under the code of conduct adopted by Portsmouth City Council and that he undertook to provide clarification to all those who are co-opted onto council committees.
- With regard to the new declaration of pecuniary interest, a member could only declare a spouse or partner's interest of which they are aware and therefore a failure to declare in these circumstances would not amount to a criminal offence.

RESOLVED that Standards Committee recommendations to council be as follows:

- (1) That the council accepts the covering report subject to the following changes**
 - (a) that the words "it is anticipated that" in 3.2 be deleted**
 - (b) that the first sentence of 4.5 be amended to read "if the interest is registered the councillor will need to disclose the interest in a meeting, but need not declare the nature of the interest but must, as at present, withdraw and take no further part in the consideration of the matter."**
- (2) that the council adopt the new code of conduct in the form annexed (Appendix 1) subject to the amendments listed below**
 - (a) that a note is included at the beginning of Appendix 1 to explain that all references to "members" includes all co-opted members of Portsmouth City Council and subsequent references to "and co-opted members" be deleted.**
 - (b) that a note is included to state that a register of gifts and hospitality for members be continued in its current form.**

- (3) that the council agree to the adoption of new arrangements to deal with alleged breaches of the code of conduct in the form annexed (Appendix 3) subject to the amendments listed below**
 - (a) 10.1 of Appendix 3 (part 2) be deleted and that any consequential renumbering be made**
 - (b) a time limit of 10 working days be introduced into 5.2, 9.2, 15.2 and 20.2 of Appendix 3 (part 2)**
 - (c) that the sub-committees referred to in Appendix 3 (part 2) be cross party, as far as reasonably possible, but that any sub-committee referred to be quorate if two-thirds of members attend the meeting.**
 - (d) that the third paragraph of 11.5 of Appendix 3 (part 2) be deleted.**
- (4) that the council agree the appointment of independent persons as required by the act, for the remainder of the municipal year (Appendix 5)**
- (5) that the Standards Committee be merged into the Governance & Audit Committee, with the Governance & Audit Committee assuming responsibility for matters which were previously within the terms of reference of the Standards Committee, and consequently the revised terms of reference of the Governance & Audit Committee be as set out in Appendix 4.**
- (6) that the Governance & Audit Committee be renamed the “Governance & Audit & Standards Committee”; and**
- (7) that any consequential amendments to the constitution be made and any typographical errors be corrected.**

It was agreed that the minutes for this meeting be taken to the Governance & Audit & Standards Committee to be signed off as a correct record.

The meeting ended at 5.00 pm.

Chair

VJP/DMF
27 July 2012
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