

GOVERNANCE COMMITTEE

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

22 MAY 2012

PRESENT

Councillors M.C.R. Graham MBE (Chairman)
J. Douglas, S. Lumley, V. Manderson
M.R. Sheldon, N. Slater

As Observer
Councillor R.B. Rhodes

Strategic Director (CM)
Chief Accountant
Admin Assistant

G.1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dungworth and Orson.

G.2. DECLARATIONS OF INTEREST

There were no declarations of interest.

G.3. TASK GROUPS

The Committee was asked to reconstitute the Constitution Review Task Group, the Performance Management Task Group and Member Development Steering Group and appoint Members thereto.

RESOLVED

- (1) That Constitution changes are channelled through this Committee rather than a Task Group structure;
- (2) Councillors Douglas, Dungworth, Graham, Manderson and Slater be the Committee's representatives on the Performance Management Task Group;
- (3) That Members be asked whether they would like to be part of the Member Development Steering Group.

G.4. THE FUTURE OF LOCAL EXTERNAL AUDIT

The Head of Central Services submitted a report (copies of which had previously been circulated to Members) which updated the Committee on the recent Government response to the consultation on the future of local external audit and the arrangements for external audit in the future.

A Councillor queried whether as a Parish Council they will have the opportunity to buy into this Audit process and it was noted that this will be referred to the Welland Procurement Unit for advice on the implications for Parish Councils.

RESOLVED that the update on the future of local external audit be noted.

G.5. LOCALISM ACT – CHANGES TO STANDARDS LEGISLATION

The Monitoring Officer submitted a report (copies of which had previously been circulated to Members) which informed members of the Governance Committee of the changes to the system of regulation for standards of conduct in respect of elected and co opted members of Councils, as a result of the Localism Act 2011. The report highlights the changes and seeks Members views on the actions required to implement the new regime before onward reporting and recommendation to Full Council.

Localism Act 2011 – Chapter 7

A particular area highlighted to Members was the section outlining the new offence and the potential consequences if a Member does not disclose a pecuniary interest.

A Councillor queried if there is any insurance in place in the event that a Member unknowingly does not declare an interest. A further query, by another Councillor was expressed in regards to the training on this area and it was confirmed that training would be undertaken when regulations had been issued.

A discussion was undertaken on how reporting of interests is managed at meetings and it was confirmed that Members will continue to do this but if a new interest arises then there is a requirement to complete an 'additional interest' form which should ideally be submitted to the clerk at the end of the meeting. Following this discussion there was a suggestion for this form to be attached to the back of agendas as this emphasises the onus on the Member to declare their interests.

Code of Conduct

A discussion was undertaken regarding the example Codes of Conduct that had been circulated and it was explained that the Parish Councils may take a different approach to the Borough Council. There was a majority view to combine the LGA Code and the DCLG code and to include the requirement to leave the room at the appropriate time when declaring an interest and that collaboration between Leicestershire Councils continue.

Ethical Governance Panel and Process for Dealing with Complaints

Members were asked how they would like this panel constituted and it was explained that under the current legislation it would need to be politically balanced unless a proposal to Full Council to not follow this procedure was

approved. The process of the panel was outlined and a discussion undertaken on how many Members will be required and it was agreed for a recommendation to be taken to Full Council. With regards to the proposed complaints process, a Member expressed a query as to whether the Monitoring Officer can be conflicted out and it was noted that if this occurs then the Deputy Monitoring Officer would step in. A discussion took place regarding Independent Persons and it was noted that there could be a challenge in recruiting them as they should ideally have status in the Community and be able to cope with the challenges that might occur in this role.

The Appointment of Independent Persons

The guidance on short listing and the interviewing process was discussed and agreed for the allowance to be taken to the Remuneration Panel. Members were asked who they felt should be involved in this process and agreed that Councillor Graham and Douglas and take part and that ideally the panel be politically balanced.

Interests

Members were happy to continue to use the current form with amendments to include new requirements from the Localism Act.

RESOLVED that

- (1) the Governance Committee notes the changes made to the regime by the Localism Act 2011;
- (2) Members requested the Monitoring Officer to combine the two draft codes in the manner suggested for consideration by Full Council;
- (3) Members considered that Members should be required to leave the room at the appropriate time when declaring a pecuniary interest;
- (4) Members agreed that further collaboration opportunities that may arise should be explored;
- (5) Members requested a non political balance and a political balance solution be presented to Full Council in respect of the Ethical Governance Panel;
- (6) Members provided amendments to the proposed complaint process for the Monitoring Officer to incorporate;
- (7) Members agreed that three parish council representatives should be nominated to fulfil an advisory role on the Ethical Governance Panel when Parish Council complaints are being dealt with and this be recommended to Full Council;
- (8) Members provided guidance on the recruitment process, number, prospective remuneration, person specification/job description and interview process to be adopted for these persons;
- (9) Members considered the existing Declaration of Interests form and requested it be updated for the new arrangements;

- (10) Members give consideration to the issue of dispensations and would deal with them as they arose;
- (11) Members noted the new requirements in respect of the register of interests and that it is now a criminal offence not to register a Disclosable Pecuniary Interest;

G.6. REFERRAL FROM FULL COUNCIL – CONSTITUTIONAL CHANGES

The Monitoring Officer submitted a report (copies of which had previously been circulated to Members) in respect of the changes to the Constitution that were proposed following the Abolition of Overview and Scrutiny by Full Council on 18th April 2012 and as referred by Full Council on 9th May 2012.

The Monitoring Officer summarised the changes and explained the functions required which had fed into the Governance Committee and the consequential amendments. A Member raised a question on implementing a scrutinising framework and sought advice on whether a procedure was needed to involve stakeholders in discussions on the framework. The Monitoring Officer advised that this was open to Members to consider how this was to be dealt with, for example using policy committees and task groups. A comment was made that this could go further with dialogue involving more active discussion, suggesting that a framework be adopted similar to that used by the Development Committee. The Monitoring Officer referred to the Task Group protocol which allowed for this to be undertaken.

A Member queried if members of the public could be invited to task groups. The Monitoring Officer advised that it was open to task groups to invite members of the public whenever this was considered appropriate, as task groups were information gathering meetings whereas committees operated on a more formal basis.

A question was raised on whether there was still provision for a six Member motion to call in a decision. The Monitoring Officer advised that as the Overview and Scrutiny Committee had been abolished this provision no longer existed and the Committees have full delegated authority.

In response to a request for clarification, the Monitoring Officer advised that Part 9 of the Constitution was to comply with the Equality Act 2010 and she would confirm this.

RESOLVED that the Monitoring Officer submit the revised Constitution (Appendix A) to the next Full Council meeting.

G.7. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.30 p.m., closed at 8.15 p.m.

Chairman