



**NOTICE OF MEETING**

**Meeting:** Standards Committee  
**Date and Time:** Thursday 13 August 2020 7.00 pm  
**Place:** Council Chamber  
**Enquiries to:** Helen Vincent  
Committeeservices@hart.gov.uk  
  
**Members:** Ambler, Argent, Bailey, Clark, Clarke, Dorn,  
Kennett, Kern, Monks and Neighbour

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

---

**AGENDA**

**This meeting is being administered under the provisioning of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meeting) (England and Wales) Regulations 2020. The Provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the Council governing the meeting and such prohibition or restriction had no effect.**

**This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website**

**1 ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

To elect a Chairman and Vice-Chairman for the Standards Committee

**2 MINUTES OF PREVIOUS MEETING (Pages 3 - 5)**

The Minutes of the meeting on 20 January 2020 are attached to be confirmed and signed as a correct record.

**3 APOLOGIES FOR ABSENCE**

To receive any apologies for absence from Members\*

**\*Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

**4 DECLARATIONS OF INTEREST**

To declare disclosable pecuniary, and any other, interests\*.

**\*Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may have an interest to declare.

**5 STANDARDS COMMITTEE TERMS OF REFERENCE (Pages 6 - 8)**

To review the terms of reference of Standards Committee.

**Date of Despatch: Wednesday, 5 August 2020**

## **STANDARDS COMMITTEE**

**Date and Time:** Monday, 20 January 2020 at 7pm

**Place:** Council Chamber, Civic Offices, Fleet

**Present:**

## **COUNCILLORS**

Ambler, Bailey, Clarke, Dorn, Kennett, Neighbour

**In Attendance:** Forster (left 7.30 pm)

**Independent Member:** Peter Kern

**Parish Representatives:** Alastair Clark, David Argent, Trish Monks

**Independent Person:** Peter Moore

<b>Officers Present:</b>	Daryl Phillips	Monitoring Officer
	Gill Chapman	Committee Services
	Martina Duffin	Committee Services

### **1 ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

Alastair Clark was elected as Chairman and Councillor Tony Clarke as Vice Chairman.

### **2 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of 6 March 2019 were confirmed and signed as a correct record.

### **3 APOLOGIES FOR ABSENCE**

None received.

### **4 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced that item 8, Petitions Protocol, would be taken earlier.

### **5 DECLARATIONS OF INTEREST**

None declared.

### **6 UPDATE - COMPLAINTS AGAINST COUNCILLORS**

Members noted the decisions on recent complaints.

*NB Mr Argent reported that he was to sit on a Grievance Panel at Odiham Parish Council relating to the issues mentioned.*

## **DECISION**

That the information be noted.

### **7 LOCALISM ACT: SECTION 28(6) – ADJUSTMENTS TO CODE OF CONDUCT ARRANGEMENTS FOR DEALING WITH ALLEGATIONS**

Members considered the adjustments to the arrangements for dealing with complaints about Councillor conduct.

Members considered the adjustments regarding third party complaints, complaints being used as a publicity tool, social media issues prejudging investigations, anonymous complaints, right of appeal, and avoiding potential abuse of the system.

Members had forwarded further amendments to the Monitoring Officer, which were discussed. Members agreed particularly that changes should include:

- The addition of Chairman of Standards Committee in consultation with the Independent Person in respect of the procedures out lines in Appendix A of the adjusted Arrangements for Dealing with Allegations
- Confidentiality
- Possible appeal reference to the Ombudsman
- Clarification on 'Persistent' - meaning repeat of the same complaint
- Recommendations/Decision of the Hearing panel timescale

It was agreed that the Monitoring Officer would circulate an updated document to Committee members for any further comments, with a view to the document being presented for adoption at the February Council meeting.

## **DECISION**

That the Monitoring Officer, in consultation with the Chairman of the Standards Committee, be authorised to update the Arrangements for Dealing with Allegations as per the Committee's discussions.

## **RECOMMENDATION to Council**

That the updated Arrangements for Dealing with Allegations be adopted.

### **8 PETITIONS PROTOCOL**

The Committee considered whether the petition scheme should be amended to accommodate e-petitions where the supporters of the petition only provide their name and postcode.

Members were broadly in favour of an amendment to the Protocol, and particularly considered:

- A host website (such as Change.org or 38Degrees) being used for e-petitions until such time as Hart could host its own e-petition system requiring the information, level of security and compliance with existing paper petitions
- Budget implications - no cost or resource implications in using a host website
- GDPR implications

Other minor changes to the Protocol, eg typos, were accepted and an updated copy would be circulated to Members of the Committee for information.

## **DECISION**

That the Petitions Protocol would be amended to accept electronic submissions for petitions, with a view to the amended document, as part of the Constitution, being presented to Council for approval.

## **RECOMMENDATION to Council**

That the updated Petitions Protocol be approved.

The meeting closed at 8.15 pm

## STANDARDS COMMITTEE

**DATE OF MEETING:** 13 AUGUST 2020

**TITLE OF REPORT:** REVIEW OF STANDARDS COMMITTEE TERMS OF REFERENCE

**Report of:** Monitoring Officer

### **1 PURPOSE OF REPORT**

1.1 To discuss possible updated Terms of Reference for Standards Committee.

### **2 OFFICER RECOMMENDATION**

2.2 Standards Committee express a view on potential adjustments to the Committee's Terms of Reference.

### **3 BACKGROUND**

3.1 The Council's Constitution dates back to the Model Constitution imposed by the Government in 2000. The Localism Act 2011 removed the obligation to follow the Model Constitution and allowed local authorities the freedom to adopt their own form of Constitution.

3.2 The current terms of reference for Standards Committee were slightly adjusted in 2012 but essentially, they represented a carryover from the 2000 version. They do not now represent a practical interpretation of the Localism Act 2011 implications. The time is right therefore to look at a possible review particularly as reviews of all the District Council's Committee terms of references is regularly referenced by the Council's external Auditors.

### **4 CONSIDERATIONS**

4.1 The Localism Act significantly change the Standards relationship between district and parish councils. Rather than each having a prescribed Code of Conduct with a very stringent and prescriptive Standards regime the Localism Act introduced a very light touch approach, with limited sanctions for breaches. There is now no wider oversight required of the respective parish councils with all councils now free to adopt their own individual Code of Conduct. The District Council's role has also significantly scaled back to more dealing with complaints but without power to impose sanctions.

### **5 THE NEXT STEPS**

5.1 The wording of a potential review of the Committee's Term of Reference (attached as **Appendix I**) reflect the lighter touch approach. The matter is more for discussion rather than action.

## Article 9A - The Standards Committee

### 9A.01 Establishing the Standards Committee

The Council's annual meeting will establish a Standards Committee.

### 9A.02 Composition

**Political Balance:** Standards Committees do not have to comply with the political balance rules in section 15 of the Local Government and Housing Act 1989 but shall be appointed as if in accordance with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

**Advisory Committee to Council:** The Standards Committee shall be an advisory committee as defined by S.102 (4) Local Government Act 1972. It will not be subject to the provisions of Section 12 or 13(4) (e) of the Local Government Act 1989.

#### Delegation of Powers

The Monitoring Officer has the necessary delegated powers to implement/action any recommendations arising from Standards Committee or Hearing Panels.

**Membership:** The Standards Committee will be composed of:

- Five district councillors;
- Three members of a town or parish council wholly in the Council's area (a parish member);
- No substitute Members will be permitted.

All Members of Standards Committee, including parish members of Standards Committee, will be entitled to vote at meetings. The Independent Persons appointed by the Council under S.28 of the Localism Act may attend Standards Committee and participate in any discussion, but they may not vote.

**Parish Members:** At least one parish member must be present when matters relating to town or parish councils or their members are being considered.

**Chairing the Committee:** any member of Standards Committee may be Chairman or Vice Chairman. The Chairman shall be elected for a three-year term of Office unless otherwise removed by the Committee.

**9A.03 Role and function**

The Standards Committee will have the following roles and functions:

- a. advising and making recommendations on the administration of any function related to standards of conduct of Members (District and Parish) under any relevant provision of or regulations made under the Local Government Act or the Localism Act 2011
- b. promoting and maintaining high standards of conduct by councillors and co- opted members;
- c. assisting councillors and co-opted members to observe the respective Members' Code of Conduct;
- d. advising the Council on the adoption or revision of the Members' Code of Conduct;
- e. monitoring the operation of the Members' Code of Conduct;
- f. advising, training or arranging to train councillors and co-opted members on matters relating to Code of Conduct matters;
- g. making recommendations on any report from the monitoring officer;