

STANDARDS COMMITTEE – Meeting held on Monday, 17th May, 2004.

Present:-

Co-opted Independent Members

The Reverend Paul Lipscomb (Chair), Mr Fred Ashmore and Mr Zahire Khan.

Elected Members

Councillors Terry Brennan, David Maclsaac and Mewa Mann.

Apologies for Absence:- Councillors Tony Haines, Christine Small and Egbert Thomas, Mr Mike Field and Parish Councillor Laurie Tucker.

PART I

23. Mr Frederick Ashmore – Independent Member

The Chair and other Members welcomed Mr Fred Ashmore to his first Standards Committee Meeting. Mr Ashmore had been appointed by the Council at its meeting on 27th April, 2004 to serve as an Independent Member of the Standards Committee until the Annual Meeting 2005.

24. Declarations of Interest

None.

25. Minutes

The minutes of the meeting of the Committee held on 16th March, 2004 were approved as a correct record and signed by the Chair.

26. Consultation Papers – Local Investigation of Allegations of Misconduct and Guidance to Monitoring Officers on Local Investigations

The Director of Legal, Democratic and Development Services submitted for consideration Consultation Papers issued by the Office of the Deputy Prime Minister and Standards Board for England on respectively draft regulations on the local investigation of allegations of misconduct and proposed guidance to Monitoring Officers on local investigations. Both documents related to the investigation and determination of complaints about alleged breaches by Members of the Local Code of Conduct for Members where such investigations were carried out by the Monitoring Officer or a person nominated by him.

The deadline for responses to both documents was 18th May, 2004.

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The Committee was reminded that at present matters could only be referred down for local determination after a Standards Board for England's Ethical Standards Officer had completed an investigation and concluded that there had been a breach of the Code and that the matter was of a level of gravity which could be dealt with appropriately within the Standard Committees' maximum sanction of three months' suspension. The effect of the proposed regulations and guidance was that the Standards Board for England would refer for local investigation the majority of cases which appeared to be of a gravity appropriate for local determination. The Standards Committee would need to adopt a procedure for such local investigations and the Standards Board for England intended to publish further guidance on the conduct of local investigations which, when available, would be reported to the Committee.

The Standards Board for England draft guidance recognised that Monitoring Officers would have four main roles in relation to the local code of conduct namely:-

- (a) To provide advice to the Standards Committee.
- (b) To advise Members who were the subject of an allegation and the person making the allegation.
- (c) To investigate alleged breaches of the Code that an Ethical Standards Officer had referred for local determination.
- (d) To advise Members about conduct issues before any alleged misconduct took place e.g. declarations of interest.

The Director of Legal, Democratic and Development Services pointed out the potential conflict of interests which might occur and cited as an example the situation where a Monitoring Officer was asked to investigate an allegation against a Member to whom he/she had previously given advice on the same issue. In view of this he recommended that the primary role of the Monitoring Officer should be as the chief legal adviser to the Standards Committee and that Members of the Council should seek advice on conduct issues generally from senior staff within Legal Services and Committee and Member Services. This would reduce the chances of the Monitoring Officer having a conflict of interest. He indicated that, as a general rule, the Monitoring Officer should delegate his investigatory functions to the Deputy Monitoring Officer/Senior Solicitor or use the services of an external adviser.

The key issues arising from both Consultation Papers had been identified and the proposed responses thereto which had been drawn up by the Director of Legal, Democratic and Development Services in consultation with the Chair of the Committee were submitted for consideration and approval.

Resolved -

- (a) That the proposed regulations and guidance issued in respect of the local investigation and determination of complaints be noted.
- (b) That the Monitoring Officer's primary role within the Council should be that of chief legal adviser to the Standards Committee.

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- (c) That in the light of (b) above Members should seek advice on issues relating to the Local Code of Conduct for Members from appropriate Legal and Committee and Member Services staff who service the Cabinet, Committee and Sub-Committee meetings.
- (d) That, in the revised Members' Handbook to be issued in June, written guidance be included on who Members should consult on the Local Code of Conduct for Members.
- (e) That the proposed responses to the Consultation Papers now submitted be approved for submission to the Office of the Deputy Prime Minister and Standards Board for England.

27. **Leaking of Audit Commission's Report – Reference from Scrutiny and Overview Committee**

The Officers submitted a request from the Scrutiny and Overview Committee that the Standards Committee should consider undertaking an investigation into the leaking to the local press of the confidential draft Audit Commission report setting out the results of their review of the overview and scrutiny arrangements within the Council.

The Director of Legal, Democratic and Development Services indicated that breaches of confidentiality were treated very seriously by the Standards Board for England and proven breaches of the Code in this respect had resulted in Members being suspended or disqualified.

The Committee considered that the likelihood of uncovering the identity of the person responsible for the leak to be poor but in view of the seriousness of the offence was of the view that action needed to be taken to try to identify the person concerned.

Resolved - That the Monitoring Officer be requested to arrange a preliminary investigation into the unauthorised disclosure of the confidential draft Audit Commission report on the Council's overview and scrutiny arrangements and report back the findings to the Committee.

28. **Joint Protocol on Seeking the Views of the External Auditor on the Legality of Council Transactions**

The Chief Internal Auditor submitted for approval a revised draft of the above Joint Protocol which had been amended to take into account organisational changes which had taken place since the Protocol was first drawn up and the change in the Council's External Auditors from KPMG to the Audit Commission.

The Committee's specific attention was drawn to paragraph 5 of the revised Protocol setting out the procedure for seeking the External Auditor's views by Officers and Members. The Director of Legal, Democratic and Development Services suggested that some drafting amendments should be made to this paragraph to clarify its meaning/intention. The Committee Members sought and

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received assurance that the amendments proposed to the Protocol would not affect their right to seek the views of the External Auditors on matters of concern to them.

Resolved - That the revised Joint Protocol on seeking the views of the External Auditor on the legality of Council transactions amended as now proposed be approved for submission to the Member Panel on the Constitution for their consideration and approval.

29. Whistleblowing Policy and Procedure

Resolved - That consideration of this matter be deferred to the Committee's next scheduled meeting in order to allow appropriate Trade Unions to be consulted on the proposed amendments to the Whistleblowing Policy and Procedure.

30. Votes of Thanks

Resolved -

- (a) That the Committee place on record its thanks, appreciation and gratitude to the Chair of the Committee the Reverend Paul Lipscomb and to the other Independent Members, Mr Mike Field, Mr Zahir Khan and Mr Fred Ashmore for the time they have given and invaluable contribution they make to the work of the Standards Committee.
- (b) That the Committee place on record its thanks for the support provided by the Officers over the past municipal year.

Chair

(Note: The meeting opened at 6.15 p.m. and closed at 6.36 p.m.)