

Standards Committee – Meeting held on Wednesday, 8th October, 2008.

Present:-

Co-opted Independent Members:-

The Reverend Paul Lipscomb (Chair), Mr Fred Ashmore, Mr Mike Field and Dr Henna Khan (part of meeting).

Elected Members:-

Councillors Brian Hewitt, Latif Khan, Mewa Mann (part of meeting), Natasa Pantelic (part of meeting) and James Walsh (part of meeting).

Also Present as an Observer:-

Parish Councillor Nicoline Brandligt

Apology for Absence:- Councillor Derek Cryer

PART I

10. Declarations of Interest

None.

11. Minutes

The Minutes of the Meeting of the Committee held on 16th June, 2008 were approved as a correct record and signed by the Chair.

During consideration of the Minutes the Borough Secretary and Solicitor reported that as requested by the Committee at its last meeting he had placed an item in the Members' Weekly Information Bulletin reminding Members of their obligations in respect of the declaration of gifts and hospitality. He reported that to-date he had received no response thereto and so assumed that there had been no under reporting by Members on these matters.

12. Development of local assessment and review of complaints about the conduct of Members

The Borough Secretary and Solicitor (Monitoring Officer) referred to the recent changes to the Committee's constitution to accommodate the new local standards regime provided for in the Local Government and Public Involvement in Health Act 2007 and the supporting Standards Committee (England) Regulations 2008. The constitutional changes gave the Standards Committee and its Sub-Committees the power to assess, review and where necessary investigate complaints about Member misconduct.

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At the Committee 's last meeting Members had expressed concern about the lack of additional funding from the Government to enable local authorities to adequately resource these new responsibilities and asked the Monitoring Officer to write to the Government highlighting these concerns. The Department of Communities and Local Government had responded indicating that the Department acknowledged that the new regime would have resource implications on local authorities and in recognition of this the Government had included an extra £2.3m per annum in the local government finance settlement to reflect the estimated additional cost to authorities. A copy of the letter was submitted for information.

The Monitoring Officer drew attention to the membership of the Standards (Assessment) Sub-Committee which comprised the Deputy Chair of the Committee, and Mr Fred Ashmore together with three elected Members drawn from the Standards Committee. He proposed that the selection of elected Members to serve on the Sub-Committee should be determined by lot and sought the Committee's approval to this. The three elected Members not selected by this process together with the Chair of the Committee and Dr Henna Khan would form the Standards (Review) Sub-Committee. The selection process by lot would also apply to Parish Council representatives.

It was intended to permit Complainants to submit complaints in writing by post, fax, email and online through the Council's internet website. The introductory text and standard documentation, including the complaint form and guidance notes, to be placed on the Council's website was submitted for Members' comment and consideration.

The Standards Board for England had made it clear that local authorities should develop criteria on how they would handle the assessment and, if necessary, the subsequent review of complaints and a draft policy guidance document was submitted to the Committee for consideration. The document had been produced with the benefit of the Standards Board's assessment toolkit the "Local Standards Framework – Guide for Authorities" with the inclusion of some "local criteria" which reflected local issues which had arisen in the past.

The Monitoring Officer drew attention to Section 9 of the guidance document which dealt with the review of "no further action" decisions. He proposed that the first sentence in the second paragraph of this Section should be amended to provide for the Review Sub-Committee to consider all complaints referred to it with "fresh eyes" and the deletion of the last sentence in that paragraph i.e. "This will only be if the decision was flawed because of the irregular way in which the allegation was processed or because an irrational judgement was made on the reported facts".

Resolved –

- (a) That the letter received from the Department of Communities and Local Government on the funding of the local standards regime be noted.

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- (b) That the appointment by lot of elected Members to the Standards (Assessment) Sub-Committee and the appointment of elected Members to the Standards (Review) Sub-Committee now proposed be approved.
- (c) That the documentation now submitted to be posted on the Council's internet website on how to make a complaint about the conduct of a Councillor be approved.
- (d) That the policy guidance document on the assessment and review of complaints as now amended be approved and adopted.

13. Members' Performance Monitoring 2007/2008

In accordance with the instructions of the Council at its meeting on 25th April, 2006 a record of elected Members' attendance at Council, Committee, Sub-Committee, Panel and Outside Bodies meetings and Member training sessions during the municipal year 2007/2008 were submitted for consideration. As requested by the Standards Committee at its meeting on 14th June, 2008 a separate report on elected and co-opted Members' attendance at meetings of the Standards Committee during the same period was also submitted.

The Committee's attention was drawn to the fact that attendance at meetings formed only part of the duties of an elected Member and that the indicators reported were only partially representative of a Members' overall performance.

At the request of the Chair a schedule showing Members' actual attendance as a percentage of the number of meetings they were called to attend was circulated at the meeting. These figures did not take into account meetings which were part attended by Members and it was pointed out that the data presented in this manner did not reflect well on those Members who through no fault of their own were unable to arrive at the very start of the meetings. After some discussion it was agreed that, if it was administratively practicable, where Members attended at least 50% of any meeting these attendances should be credited to the Member.

The Member Services Manager recalled that when the Standards Committee had been consulted on the issue of Member training attendance it had insisted that Members should undergo compulsory training every year. However, having regard to the busy calendar of meetings and the heavy demand council duties had on Members' time it was proposed that, at the discretion of the Borough Secretary and Solicitor/Monitoring Officer, Members should only be required to attend compulsory training sessions if new material /matters were being introduced but that in any event they should attend a refresher training session every 2 years. The Member Services Manager indicated that the Officers would be reviewing the way compulsory Member

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training was delivered so that it was tailored more to individual Members' needs.

Resolved –

- (a) That the Member Performance Monitoring data for 2007/2008 now submitted be noted.
- (b) That the proposals for compulsory Member training now outlined be approved.

14. Draft Annual Review 2007/2008

As required by the Council's Constitution, the Borough Secretary and Solicitor submitted for consideration the draft Annual Review outlining the work undertaken by the Committee during 2007/2008. In addition to summarising the achievement of the Committee over the last municipal year, the Annual Review included an introduction from the Chair; an outline of the role of the Standards Board; the composition of the Committee; its current terms of reference and its proposed work programme for the next 12 months.

Resolved – That the draft Annual Review of the Standards Committee 2007/2008 be approved and when published a copy be sent to all Members of the Council.

15. Local Code of Conduct for Employees

The Borough Secretary and Solicitor recalled that it had been intended for a number of years to revise the Employee Code of Conduct but that the matter had been delayed because the Local Government Association had been promising for sometime to produce a model code for use by local government generally. To-date this had not materialised and accordingly it had been decided to look at the Council's current Employee Code of Conduct with a view to redrafting and updating it where necessary. It was proposed that the redrafted Code would be submitted to the Committee's next meeting scheduled to be held on 12th January, 2009.

Resolved – That the current position be noted.

16. Work Programme 2008/2009

The Officers submitted for consideration the Committee's current work programme.

The Committee's attention was drawn to the repeat Member briefing session on the Local Code of Conduct and the Council's Ethical Framework which was to be held on 3rd November, 2008. The Borough Secretary and Solicitor indicated that the briefing would also include important and useful guidance for Members in respect of their roles and responsibilities as the Council's appointed representative on Outside Bodies.

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Resolved - That the current Work Programme for 2008/2009 now submitted be noted.

Chair

(Note: The Meeting opened at 6.15 p.m. and closed at 7.05 p.m.)