

Standards Committee – Meeting held on Thursday, 15th March, 2012.

Present:-

Co-opted Independent Members:-

Mr Mike Field (Chairman), Fred Ashmore, Ronald Roberts and Alan Sunderland

Elected Members:-

Councillors M S Mann, Minhas and Plenty

Apologies for Absence:- Councillors Basharat, Coad and Parish Councillor Nye

PART 1

34. Declarations of Interest

None were received.

35. Minutes of the Last Meeting held on 3rd October 2011

The minutes of the meeting held on 3rd October 2011 were approved as a correct record.

36. Localism Act 2011 - Future of Standards

Kevin Gordon, Monitoring Officer, reminded the Committee that the Localism Act 2011 made fundamental changes to the system of regulation of standards conduct for elected and co-opted members. The key areas of change were outlined as:

Standards Committee

There will be no requirement to maintain a Standards Committee. However, the Council would still have a duty to promote and maintain high standards of conduct for elected and co-opted members. It was noted that the proposed standards committee would be a normal committee of the Council and composition would therefore be politically proportionate.

The Act also established a new category of Independent Persons and as a result current co-opted members would cease to hold office. It was explained that an Independent Person's views would be sought and taken into account by the local authority prior to making a decision on an allegation that it had decided to investigate. The Monitoring Officer brought to Members attention that the Act provided that a person is not independent if he or she was a member, a co-opted member or an officer of the authority or a relative or close friend of thereof. Furthermore a person was not eligible for appointment

Standards Committee - 15.03.12

if during the preceding five years the person was a member, co-opted member or an officer of the authority. An individual could not be appointed as an independent person unless the post had been advertised, an application submitted and the appointment approved by a majority of the members of the authority. Members were informed that discussion had been held with neighbouring local authorities around the practical implementation of the independent member role amidst speculation that the bar on current independent members from standing would be lifted. Discussion had also taken place on the potential of joint recruitment exercises, which could have the benefit of attracting candidates who had previously held independent member roles in neighbouring authorities.

The Monitoring Officer also explained that the Borough Council would continue to have responsibility for dealing with standards complaints against elected and appointed members of Parish councils, but the current Parish council representatives would cease to hold office on the Standards Committee. It would be for the Borough Council to decide whether it would want to continue to involve Parish Council representatives and, if so, how many.

In the ensuing discussion, concern was expressed by a number of Members with regard to the independence and impartiality of any future Standards Committee, if membership was to be politically proportionate. It was noted that the current system of elected and independent co-opted members on the committee provided a good balance and ensured that the standards regime was fair to all. A number of elected members stated that the role of the independent co-opted members on the committee should not be underestimated as they provided adequate checks and balances in a non partisan manner.

Committee Members submitted that it was difficult to recommend the makeup of any future Standards Committee given that guidance was still awaited from central government. Notwithstanding this, the unanimous view of Members was that independent co-opted members should remain on the Standards Committee and that these individuals should retain their voting rights.

The Code of Conduct

It was noted that the current ten general principles and Model Code of Conduct would be repealed and Members would no longer have to give an undertaking to comply with the Code of Conduct. However, the Council would be required to adopt a new Code of Conduct governing elected and co-opted members conduct when acting in that capacity. The Council's new Code of Conduct must be consistent with seven principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It was explained that the Council had discretion as to what it included within its new Code of Conduct provided that it was consistent with the seven principles. It was noted that the Code of Conduct was currently being revised and that its contents would follow a more logical and user friendly format as follows:

Standards Committee - 15.03.12

- Rules that apply to all Members
- Rules that apply to Members who sit on committees
- Additional rules for those Members who sit on licensing and planning matters.

Disclosure of Interests

The Monitoring Officer explained that the most significant change within the standards regime was the abolition of personal and prejudicial interests and the creation of disclosable pecuniary interests. It was noted that although local authorities' were awaiting clear definitions and regulations from the government, it was known that a disclosable pecuniary interest had to be declared if the interest was the member's or the member's spouse or partner and the member was aware of the interest. Most notably however, was the requirement that an interest of a third party had to be disclosed when it did not relate back to the member's own circumstances except by association. Previously, it was necessary for such an interest to have a beneficial effect on the member's financial position or well-being in order to be declarable. The statutory requirement would be to not only declare such interests but also to register them.

Dealing with Misconduct – Complaints

It was outlined that the Localism Act required that the Council adopt arrangements for dealing with complaints of breach of the Code of Conduct. The Act repealed the requirements for separate assessment, review and determination hearings and enabled the Council to establish its own processes, which could include delegation of decisions on complaints.

Members were reminded that in practice the Standards for England guidance on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit for tat complaints. It was proposed that it was sensible to take advantage of the new flexibility and to delegate to the Monitoring Officer the initial decision on whether a complaint required investigation, subject to consultation with the Independent Person and the ability to refer a particular complaint to the Standards Committee; where the Monitoring Officer felt that it would be inappropriate for him to take a decision on it, for example, where he had previously advised the member on the matter or the complaint was particularly sensitive.

Members were informed that these arrangements would also offer the opportunity for the Monitoring Officer to seek to resolve a complaint informally before taking a decision on whether the complaint merited formal investigation. A suggested approach for dealing with complaints was -

- Monitoring Officer informal intervention
- Monitoring Officer formal notice to group leaders
- Standards Committee investigation.

Standards Committee - 15.03.12

It was brought to Members attention that should this function be delegated to the Monitoring Officer, it was appropriate that he should be accountable for its discharge. For this purpose, a quarterly report would be submitted to the Standards Committee which would enable monitoring on the number and nature of the complaints received and draw to the Committee's attention where training or other action might avoid further complaints as well as keeping the committee advised of progress on investigations and costs.

Committee Members welcomed the approach adopted to revising the Code of Conduct and details relating to dealing with misconduct. However, it was suggested that a maximum of a three month time limit be imposed for formal investigations to be completed. Members welcomed the informal mediation and training routes to resolving complaints prior to them escalating to formal determination hearings.

Resolved:

- (i) That the approach, as outlined in the report, to a new members code of conduct be approved.
- (ii) That the new format to the structure of the Member code of conduct guidance including simplified chapter headings, consolidation of sections, summarised list of 'do's and don'ts' at the end of section and reduction in duplication be approved.

Recommendation to Council

- i) That the new arrangements for dealing with breaches of the code and the three tiered system, namely Monitoring Officer Informal Intervention, Monitoring Officer Formal Notice to Group Leaders and Standards Committee Investigation, be approved.
- ii) That the implementation plan including the arrangements for use of the code as part of normal business at council meetings and events be approved.
- iii) That a new Standards Committee be approved at the Annual Council meeting in May 2012 and subject to the publication of the relevant regulations, the impartiality and independence of any such Committee be retained as far as possible and that any Independent Person/s appointed to the Committee to retain their voting rights as a member of that Committee.

37. Members' Attendance at Meetings and Training

Mrs Kauser, Senior Democratic Services Officer, reminded Members that at its meeting on 25th April 2006 the Council approved that an annual Information

Standards Committee - 15.03.12

Report be submitted to all group leaders, Members' of the Standards Committee and then to Council showing in respect of each member for the proceeding municipal year the number of meetings called to attend, number of meetings actually attended, number of training sessions attended and attendance at outside bodies. In addition, at the end of each municipal year each Member appointed as the Council's representative on an outside body would be required to submit a short feedback report including details of the number of meetings they were called to attend and number actually attended. In respect of this, random checks on Members attendance on outside body meetings would be carried out annually with Members being selected at random by the Chair of the Standards Committee.

Following an organisational restructure in the Democratic and Members Services team in April 2011, capacity within the team was reduced by three full time equivalent staff. As part of the restructure it was accepted that reporting of members attendance at meetings would need to be revisited. The Committee's attention was also drawn to the fact that all agendas for meetings included a brief report setting out member attendance for that committee/panel for that municipal year. This allowed ongoing monitoring of members attendance at committee/panel meetings. It was proposed that this record be maintained as it was beneficial and required little officer time to collate.

Attendance at meetings – it was proposed that Members attendance at meetings and training sessions be presented to the Standards Committee in the format as set out in the Appendix to the report. The statistics would be compiled using data obtained from the committee system, modern.gov which had the facility to collate member attendance, thereby reducing the need to compile and maintain manual records. Information produced using modern.gov detailed the number of meetings, a member was expected at, those who attended and those who attended under Rule 30.

Outside Bodies – it was proposed that Members were to be contacted via email to provide a short report regarding their attendance at a meeting of an Outside Body and to provide feedback on the usefulness of the meeting. This information would be held by Democratic Services and available for inspection when required. It was also proposed that the arrangements set out regarding random checks on member attendance at outside body meetings no longer be carried out.

A Member queried what constituted compulsory training. The Monitoring Officer stated that the member development programme would be submitted to the Standards Committee at it's first meeting of the municipal year, which would detail those training sessions which were compulsory prior to a member being able to fulfil their role on certain committees, for example licensing or planning.

A Member suggested that information relating to attendance be publicised and that better use be made of the statistics. The Committee was informed that the report and information contained within it regarding Members

Standards Committee - 15.03.12

attendance statistics was sent to the press. It was suggested that Members attendance be presented in a revised format, for example in descending rank order by percentage of meetings attended and it was noted that this would be looked into.

Resolved –

- (a) That Members' attendance details at Council/Committee/Panel meetings and training sessions be reported to Standards Committee on annual basis in the format shown in the example attached in Appendix 1 to the report.
- (b) That Members' attendance details at meetings of Outside Bodies be retained in Democratic Services and available for inspection on request at the end of each municipal year.
- (c) That Members' attendance records for individual meetings be attached to the respective meeting agenda for each meeting.

38. Current Standards Investigations - Verbal Update

Members were provided with a brief summary of standards investigations, those that had been completed and any that were outstanding. It was noted that one matter was outstanding (SBC 2010/25) and that the Investigating Officer was near to completing her report, following which a meeting would be arranged as soon as possible.

Resolved – That the update be noted.

39. Standard Committee Members' Attendance Record

Resolved – That the report be noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.50 pm)