

STANDARDS COMMITTEE – Meeting held on Monday, 14th January, 2008.**Present:-****Co-opted Independent Members:-**

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

Elected Members:-

Councillors Aziz, Finn (part of the meeting only), L Khan, Mann and O'Connor

Apologies for Absence:- Britwell Parish Councillor Nicoline Brandligt
Councillor Finn for late arrival

PART I**17. Minutes**

The minutes of the meeting of the Committee held on 10th October, 2007 were approved as a correct record and signed by the Chair.

18. Declarations of Interest

None.

19. Review of Whistleblowing Policy and Procedure

The Council's Whistleblowing Policy and Procedure protected all Council employees including contract workers and trainees making disclosures in the public interest and allowed such individuals to claim compensation for any victimisation following such disclosure. The current policy and procedure had first been adopted by the Council in 1999 and reflected best practice at that time. The document had been reviewed recently to update the internal and external contact points referred to therein; to give examples of malpractice/wrongdoing covered by the Policy and list the other existing employee policies and procedures which might be a more appropriate recourse for the employee to resolve a concern they might have. The revised document also listed the responsibilities employees and managers of the Council had in relation to the Whistleblowing Policy and Procedure.

During consideration of the revised Policy and Procedure the following issues were raised:-

- That the procedure for raising a concern internally needed to be revised to take into account the possibility of the Monitoring Officer being the subject of or being personally involved in a whistleblowing matter.

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- If the intention was that after a concern had been reported the person handling the issue would as a matter of course write to the whistleblower summarising their concern and indicating how the matter would be dealt with, the procedure needed to reflect this and the last sentence in paragraph 9.1 needed to be amended by the deletion of the words “If you wish” at the start.
- That the second sentence of paragraph 6.1 of the Policy should be amended so that it reads “the Council will view very seriously any false or malicious allegations ...”

The Director of Law and Corporate Governance indicated that the revised Whistleblowing Policy and Procedure incorporating any amendments the Standards Committee might wish to make would be widely publicised through the Trade Union representatives and would also be the subject of consultation with the Corporate Management Team, Corporate Consultative Forum and the Employment and Appeals Committee before being referred back to the Committee for a final recommendation to the Council.

Resolved - That the draft revised Whistleblowing Policy and Procedure now submitted, subject to the incorporation of the amendments set out above, be approved.

20. Standards Board for England Occasional Paper - Predisposition, Predetermination or Bias, and the Code

The Local Code of Conduct for Members was the primary source of information which governed how Members should act when carrying out their roles and responsibilities as an elected or co-opted Member. A failure to comply with the Code meant that an individual Member might be subject to the scrutiny of the Standards Board for England and/or the Standards (Local Determination) Sub-Committee. The common law rules of bias and pre-determination and the concept of pre-disposition did not form part of the Code but were still important issues which dictated whether or not a Member should or should not participate in making decisions on behalf of the Council. The Standards Board for England had issued an occasional paper containing useful information and examples to guide Members on this important issue and a copy of the Paper was submitted to the Committee for information. The Paper had also been circulated to all other Members of the Council through the Members' Weekly Information Bulletin.

The Director of Law and Governance reported that the Council had on three separate occasions tried to have pre-determination included within the Local Code of Conduct but its representations to date had been ignored. The Committee was advised that the Council could not unilaterally include such provision within its own Local Code and that any such amendment would require Government legislation.

Resolved - That the information report now submitted be noted.

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The Member Services Manager submitted for information the Standards Committee's latest work programme which as instructed by the Committee at its last Meeting had been amended to incorporate the Ethical Governance Action Plan provisions.

Attention was drawn to the rescheduling of the review of the Committee's terms of reference from this meeting to the Committee meeting on 31st March 2008. The Committee was advised that the expected consultation document from the Department of Communities and Local Government on arrangements for the proposed local filter for handling complaints was still awaited. It was expected that the introduction of the "local filter" would result in changes having to be made to the Standards Committee's constitution and by deferring this matter it would avoid the Committee making amendments to its terms of reference and/or constitution in a piecemeal fashion.

In considering the work programme the Committee also agreed that the informal training session on a selected Standards Board for England case study which was to be held after this meeting should be deferred until the 16th June, 2008.

A Member requested that when the Officers submitted the Member Performance Monitoring Data for 2007/08, the report should include a separate analysis of the attendance of Members at meetings of the Standards Committee. He argued that, as the Committee was responsible for monitoring Members' attendance, its Members' attendance record should be seen to be exemplary.

Resolved -

- (a) That the work programme for the Committee as now amended be noted and approved.
- (b) That the Members' Performance Monitoring Report to be submitted in October 2008 include a separate analysis of Members' attendance at meetings of the Standards Committee during 2007/2008.

22. Feedback from Parish Council and Borough Council Meetings

As requested by the Standards Committee at its meeting on 18th June, 2007, the Chair, Mr Mike Field, Mr Fred Ashmore and Councillor O'Connor reported back on their visits to meetings of the three Parish Councils. All were unanimous in the view that the Parish Council meetings were well run; the paperwork supplied had been good and they had been made very welcome. Special mention was made of how particularly well the Britwell Parish Council meetings had been chaired.

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Attention was drawn to the perceived difficulty Parish Councils had in addressing complaints from residents regarding anti-social behaviour, parking and highway matters which required action from the Borough Council. The inability of the Parish Councillors to get the Borough Council to take action on behalf of their constituents seemed to be the source of great frustration at the Parish Council meetings. The Director of Law and Corporate Governance undertook to raise this issue with the appropriate Borough Council Strategic Directors.

The Independent Co-Opted Members also reported back on their impressions of the Borough Council meetings they had attended. Their impressions were that the meetings had been rowdy and noisy; the level of debate had been poor and non-constructive and Members had demonstrated a lack of respect for the Mayor. It was pointed out and accepted that this was the behaviour of a few Members and was not representative of the majority of Council Members. All the Committee Members present agreed that they were not happy about the conduct of Council Meetings and that the behaviour of some Members was not acceptable and needed to be improved.

Suggestions for improving behaviour included:-

- Enforcement of the Council Rule requiring all comments made by Members to be addressed through the Mayor whose authority should be respected and observed at all times.
- A review of the seating arrangements at Council Meetings to make it less confrontational and ensure all Members had adequate room where they sat.
- An investigation into the feasibility of providing an automatic electronic queuing recording system for Members wishing to speak at Council Meetings.

The Director of Law and Corporate Governance undertook to ensure that the above suggestions were initiated.

Resolved - That the position be noted.

Chair

(Note: The Meeting opened at 6.15 p.m. and closed at 6.50 p.m.)