

STANDARDS

Committee

26th March 2012

MINUTES

Present:

Independent Members:

D Andrews (Chair)
M Collins (Vice-Chair)
B Warwick

Borough Councillor:

Alan Mason

Officers:

C Felton, C Flanagan and D Parker-Jones

Committee Services Officer:

I Westmore

1. APOLOGIES

Apologies for absence were received on behalf of Borough Councillors Anita Clayton, Andy Fry, Jinny Pearce and Mark Shurmer and Parish Councillors Pam Eaton and Antonia Pulsford.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

RESOLVED that

the minutes of the meeting of the Standards Committee held on 20th April 2011 be confirmed as a correct record and signed by the Chair.

4. MONITORING OFFICER'S REPORT

The Committee received a report from the Monitoring Officer outlining the latest local and national developments and the details

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Chair

of complaints considered by the Committee since the previous meeting.

It was reported that the two outstanding complaints had been concluded. The first, complaint reference 02/2010, had been considered by the Determination Sub-Committee and it had been determined that the Code of Conduct had not been breached. The second, complaint reference 01/2011, had been considered by the Assessment Sub-Committee who had determined that the Code of Conduct had not been engaged in that instance and the matter was consequently closed.

The Monitoring Officer gave an update on the training that was to be provided to Members in preparation for the new Standards regime which was due to come into effect from 1st July 2012. Three sessions were scheduled for June, each of which was open to Members of the authority to attend. It was acknowledged that the training available to Standards members had been more robust over the past year than had been the case previously and the intention was to pursue a similar strategy in the coming municipal year. However, it was stressed that it was for elected Members to decide which training might be deemed mandatory. The attendance of sufficient numbers of elected Members at training sessions was raised as an issue. Officers highlighted the responsibility that lay upon themselves to make such training worthwhile and engaging, but were willing to explore any avenues to increase levels of attendance.

RESOLVED that

the report of the Monitoring Officer be noted.

5. LOCALISM ACT 2011 - NEW STANDARDS REGIME

The Committee received a report setting out the changes to the system of regulation of the standards of conduct for Members brought about by the Localism Act 2011. Members received a brief overview of the major differences that would result from the Act. It was stated that Officers had been engaged in drafting a new Code of Conduct and a process for managing standards complaints in collaboration with colleagues from other District Councils within Worcestershire and the County Council. A clear benefit of this approach, with the adoption of a common set of principles and guidelines, would be the clarity provided to dual-hatted Members in particular. The Committee then considered a series of recommendations in respect of the draft proposals.

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Members were in agreement that the authority should continue to operate a Standards Committee in order to promote and maintain high standards of conduct among elected Members. This was felt to be particularly important in the present climate wherein elected officials were expected to maintain, and be seen to maintain, exemplary standards of behaviour. The removal of the role of Independent Member on the Standards Committee was considered to be a retrograde step, as an independent component in the membership was seen as the most certain means of demonstrating an independence of view. As a means of emphasising the importance of the Standards regime the Committee advised that Members elected to the new Standards Committee should undertake the appropriate training and that this training be made mandatory. Following discussion of the matter, it was conceded that the inclusion of non-voting co-opted Independent Members would not be advisable. Aside from the lack of any voting rights or a statutory basis for their inclusion, their appointment alongside the newly created role of Independent Person had the potential for confusion. Members were in agreement that normal proportionality rules should apply.

The Committee was very much in favour of a single Code of Conduct for the County of Worcestershire. Officers advised that the regulations providing the definition of what the different categories of interest covered had not been forthcoming as yet and this detail would be added to the draft Code when available. In response to a question, Officers clarified that the Principles of Public Life (the Nolan Principles) would be set out near the start of the general provisions of the draft Code of Conduct.

Officers explained that the District Council, as the principal Council, would retain responsibility for managing the standards of behaviour within the parishes within its area. For this reason it was proposed that there was some merit in co-opting non-voting Parish representatives onto a new Standards Committee. The clerks of local Parish Councils were to be actively involved in the new Standards process as a consequence.

The draft process for dealing with complaints against Councillors was detailed for the Committee. The process was similar in a number of respects to that which it was replacing, albeit with several significant differences. Paramount amongst these was the continual recourse throughout the draft process to local resolution of the complaint. This was an attempt to seek a fair and reasonable solution to a complaint without the need for a formal hearing and where it did not appear to be in the Council's interest to proceed to that final stage. It was accepted that there would be a greater onus placed on the Monitoring Officer to determine what was fair and

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reasonable. However, it was stressed that any such decisions taken by the Monitoring Officer would follow consultation with the Independent Person. The flexibility afforded the Monitoring Officer throughout the process was bolstered by the ability to dispose of complaints more swiftly than was possible under the former regime, which had been exceedingly bureaucratic. To this end, it was suggested that timeframes for responses to requests for information or answers to questions be built into the process to prevent excessive time slippage from occurring. It was noted that the majority of the work under the draft process would be carried out by the Monitoring Officer and the Independent Person, with the involvement of the Standards Committee essentially confined to undertaking a final stage hearing. The Monitoring Officer also noted that the behaviour of Councillors in Redditch had never generated a significant number of complaints and there was no reason to imagine that would change. Finally, it was highlighted that the new process would be subject to an ongoing evaluation process and would be amended if circumstances dictated.

Members discussed the proposal to appoint to the Independent Person role. It was clarified that the current Independent Members were not eligible to apply for the position(s) and this was considered an extremely unfortunate outcome of the explicit shift from the old regime. There had been some discussion at a county-wide level of the appointment of a pool of Independent Persons from whom one could be selected on each occasion a complaint arose. However, there were considered to be weaknesses to this approach. It was suggested that there was merit in appointing an Independent Person or Persons who had a link to the Borough and an understanding of local issues in the broadest sense. The Monitoring Officer also highlighted the potential for favouritism or antagonism to be engendered amongst members towards specific Independent Persons should there be a pool from which to choose. The proposal favoured by the Committee was for the appointment of two Independent Persons for the Borough.

The Committee briefly considered the proposals being put forward for handling requests for dispensations. Members were essentially content to recommend the proposals contained within the report.

It was noted that the draft Code of Conduct and draft Process for dealing with complaints was to be the subject of ongoing consultation with Group Leaders and external parties and, as a result, the recommendations of the Committee were to be considered alongside a detailed report at the Annual Meeting of the Council on 21st May 2012.

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Subject to further, final agreement at the Annual Meeting of the Council, it be **RECOMMENDED** in principle that

- 1) an appropriate way of discharging the Council's duty to promote high standards of behaviour in public life would be through the setting up of a Standards Committee governed by the normal rules relating to political proportionality and comprising Members who have undertaken the appropriate mandatory Standards training;
- 2) the content of the Draft Code of Conduct at Appendix 1 to the report be approved;
- 3) the draft process for managing standards complaints at Appendix 2 to the report, and as subsequently amended by Officers, be approved;
- 4) co-opted non-voting Parish Representatives be appointed to a new Standards Committee;
- 5) adverts be placed and applicants be invited to apply to undertake the roles of two Independent Persons for the Borough of Redditch as required under the Localism Act 2011; and
- 6) the process for managing dispensations be as set out in paragraphs 3.33 – 3.37 of the report to the Standards Committee.

6. CHAIR'S / MEMBERS' REPORTS

There were no reports from the Chair or Members of the Committee.

7. PARISH COUNCIL REPORT (IF ANY)

There were no reports from the Parish Council representatives.

8. PUBLICATIONS

There were no publications to consider.

The Meeting commenced at 7.00 pm
and closed at 8.35 pm

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Chair