

STANDARDS

Committee

25th July 2013

MINUTES

Borough Councillors Present:

Councillor Pat Witherspoon (Chair), and Councillors Michael Braley (Vice-Chair), Michael Chalk, Roger Hill (substituting for Derek Taylor), Alan Mason (substituting for Andy Fry), Phil Mould and Yvonne Smith (substituting for Joe Baker)

Also Present:

Michael Collins (Independent Observer)
Fiona Hawker (Feckenham Parish Council Representative – non-voting co-opted)
Wreide Poole (Deputy Feckenham Parish Council Representative – Observer)

Officers:

C Felton and C Flanagan

Committee Officers:

D Parker-Jones

1. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Borough Councillors Joe Baker, Andrew Fry, Luke Stephens and Derek Taylor.

Councillor Yvonne Smith was confirmed as a substitute for Councillor Baker, Councillor Alan Mason was confirmed as a substitute for Councillor Fry and Councillor Roger Hill was confirmed as a substitute for Councillor Taylor.

Apologies were also received on behalf of Mrs Megan Harrison, Independent Person and observer.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

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Chair

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3. MINUTES

The minutes of the meeting of the Standards Committee held on 8th April 2013 were submitted.

RESOLVED that

the minutes of the meeting of the Standards Committee held on 8th April 2013 be confirmed as a correct record and signed by the Chair.

4. MONITORING OFFICER'S REPORT

Members received a report from the Monitoring Officer (MO) outlining the current position in relation to matters of relevance to the Committee.

The MO advised that no complaints had been received against Members during the six month period 1st January to 30th June 2013. She added that the investigation into the complaint which had previously been referred to her by the Standards Assessment Sub-Committee for investigation was currently ongoing.

A Member queried how long it was likely to be before the investigation reached its conclusion, which the MO advised was imminent. It was noted that the investigation had been ongoing for some time, and that whilst it was always hoped that investigations would be concluded as quickly as possible this depended on the availability of the Members/parties involved. Occasionally there would be issues outside of a particular party's control which could delay the process, which had regrettably happened in this case.

The MO welcomed Mr Wreide Poole, the new Deputy Feckenham Parish Council Representative, to the meeting and thanked him for taking on the role of Deputy.

RESOLVED that

the report of the Monitoring Officer be noted.

5. PARISH COUNCIL REPORT (IF ANY)

The Feckenham Parish Council Representative advised that she had nothing to report to the Committee on and Mr Wreide Poole, the new Deputy Parish Representative, was welcomed to the meeting.

RESOLVED that

the position be noted.

6. LOCALISM ACT 2011 - UPDATED ARRANGEMENTS FOR HANDLING STANDARDS COMPLAINTS AGAINST MEMBERS

The Committee considered a report on a 12-month review of the working of the adopted Arrangements for Handling Complaints against Members under the new standards regime introduced by the Localism Act 2012.

The report suggested some amendments to the current Arrangements which had arisen as a result of their application over the last year. The amendments focussed on:

- the referral of complaints to the Police and any separate course of action to be taken by the Monitoring Officer in such cases, including the information which could be provided by the MO on such complaints before the outcome of any resulting Police actions was known; and
- the role of the Assessment Sub-Committee.

The roles of the Independent Observer and Parish Council Representative on the Committee, together with the make-up of the Hearings Sub-Committee panels, were also detailed in the report.

Officers responded to Member questions on the current Arrangements and the proposed changes.

Under section 8 of the Arrangements (Action that can be taken where a Member has failed to comply with the Code of Conduct) Officers advised that Members could only be recommended for removal from any or all Committees or Sub-Committees of the Council, and not from the (full) Council, as Council was not a committee of itself.

In relation to the Hearings Sub-Committee panels, it was noted that the recent changes in membership of the Standards Committee necessitated a change to the previously established Sub-Committees. Members agreed the proposed make-up of the new Sub-Committees. In doing so, it was noted that any Sub-Committees would take place in strict rotation and that, if necessary, other suitably trained Members could substitute on the Sub-Committees.

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It was noted that there was no proposal to alter the Council's previous decision to include a non-voting co-opted Feckenham Parish Council Representative on the Standards Committee.

The Committee supported the recommended amendments to the Arrangements as detailed in the revised (version 2) Arrangements attached at Appendix 1 to the report. Members also supported the recommended continuation of the non-voting Independent Observer on the Standards Committee for the coming year.

In response to a Member's question the MO advised that in cases where the Police investigated a complaint and concluded that no action was required in relation to the complaint, this related to criminal proceedings only. There could therefore still be standards of behaviour linked with the complaint which the Council, via the MO, might wish to look at separately. This was akin to the position with taxi drivers who might not be prosecuted by the courts on a matter but who could still be required to go before the Council's Taxi Licensing Committee to ascertain whether or not they were a fit and proper person to hold a driver's licence.

In cases where the MO had been unsuccessful in resolving a complaint locally and felt that the only remaining option was to proceed with an investigation, Members supported the proposal to remove the Assessment Sub-Committee stage and to replace this with MO consultation with the Independent Person and Chair of the Standards Committee to proceed to investigation. It was noted that Redditch was the only authority in the county to have an Assessment Sub-Committee which Officers felt, on experience, did not gel with the new arrangements. The limitations placed on the Assessment Sub-Committee which had met to consider the one complaint referred to it since the establishment of the new regime were noted, the membership of which had themselves felt that the decision to investigate could instead have been best dealt with by the MO, Independent Person and Chair of the Standards Committee.

In order to assist members of the public in understanding the complaints process, a Member requested whether a flowchart or equivalent could be produced explaining the process. Officers advised that a detailed flowchart had been drawn up as part of the initial changes under the new regime, which unfortunately was equally as detailed. Officers agreed therefore to produce a brief user-friendly explanatory note detailing the complaint Arrangements once the Council had considered the recommended changes. This would then be published on the Council's website.

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RECOMMENDED that

- 1) the Arrangements for Managing Standards Complaints under the Localism Act 2011 (version 2), as attached at Appendix 1 to the report, be adopted; and
- 2) the role of the former Independent Member, who has served as a non-voting Independent Observer on the Standards Committee for the past year, continue for the coming year, and

RESOLVED that

- 3) the following Hearings Sub-Committees be agreed:

Sub-Committee 1

Councillor P. Witherspoon (Chair), Councillor M. Chalk and Councillor J. Baker

Sub-Committee 2

Councillor A. Fry (Chair), Councillor M. Braley and Councillor B. Quinney

Sub-Committee 3

Councillor Derek Taylor (Chair), Councillor P. Mould and Councillor L. Stephens

7. WORK PROGRAMME

Members considered the future Work Programme of the Committee.

It was noted that no business was currently listed on the Work Programme for the next meeting of the Committee scheduled for 24th October 2013. Officers advised that if no items requiring the Committee's attention arose before then the meeting would likely be cancelled.

A Member queried how any resolution of the ongoing complaint investigation would be communicated to the Committee.

The MO stated that this would either be detailed in the next MO's Report, or if no meeting were to take place in October then a separate communication would be issued to the members of the Committee confirming the outcome.

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It was noted that, as a general rule, once any formal investigation had been completed and the Investigating Officer's (IO) finding was known the complaint could be made public. If any party wished to make a request for either anonymity or confidentiality in relation to any aspect of a complaint they could do so and this would be considered by the MO or by the Hearings Sub-Committee where a matter progressed to hearing stage.

Members were further advised that, in accordance with the Arrangements for handling standards complaints, should the IO find that there was evidence of failure by the subject Member to comply with Code of Conduct and the MO was satisfied with the IO's findings, the MO would, following consultation with the Independent Person and depending on the nature and seriousness of the failure in question, determine whether to send the matter for a local hearing of the Hearings Sub-Committee of the Standards Committee, or to seek to resolve the matter via local resolution.

RESOLVED that

subject to the comments detailed in the preamble above, the Work Programme be approved.

The Meeting commenced at 7.00 pm
and closed at 7.36 pm

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Chair