

# STANDARDS

## Committee

24th October 2013

## MINUTES

### Present:

Councillor Pat Witherspoon (Chair), and Councillors Michael Braley (Vice-Chair), Joe Baker, Michael Chalk, Andrew Fry, Brenda Quinney and Roger Hill (substituting for Derek Taylor)

### Also Present:

Fiona Hawker (Feckenham Parish Council Representative – non-voting co-opted)

Megan Harrison (Independent Person – observing)

Councillor Juliet Brunner (observing)

### Officers:

C Felton and C Flanagan

### Committee Officer:

D Parker-Jones

## 8. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Councillors Phil Mould and Derek Taylor.

Councillor Roger Hill was confirmed as a substitute for Councillor Taylor.

An apology for absence was also received on behalf of Mr Michael Collins, Independent Observer.

## 9. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 10. MINUTES

The minutes of the meeting of the Standards Committee held on 25th July 2013 were submitted.

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Chair

A Member queried whether the user-friendly explanatory note detailing the complaint Arrangements referred to in the final paragraph of Minute No. 6 (Localism Act 2011 – Updated Arrangements for Handling Standards Complaints against Members) had yet been drafted. Officers advised that full Council had on 9th September 2013 agreed the Standards Committee's recommendation on the proposed changes to the Arrangements, and that the explanatory note would therefore be drafted and published on the Council's website as soon as practicably possible.

### **RESOLVED that**

**the minutes of the meeting of the Standards Committee held on 25th July 2013 be confirmed as a correct record and signed by the Chair.**

## **11. 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 Committee received the findings of the external Investigating Officer (IO), Mr Kevin Douglas, into the complaint which had been made by Borough Councillor Chance against Borough Councillors Brunner and Hopkins.

Mr Douglas concluded that whilst licence had been taken in the way Councillor Chance's (as Portfolio Holder) responses in the matter at question were reported, that was part of the political interaction in which councillors were engaged in order to gain political advantage. Mr Douglas concluded that in the absence of guidance or rules to Members about press releases and media contact generally, leaving the area unregulated, there was no breach of the Code of Conduct. He had however recommended that the Council should give consideration to agreeing a protocol for contact with the press and media by Members, in particular by senior Members of the Council. Officers had already started researching media protocols and the MO asked the Committee to agree this course of action and for this task to be included on the Committee's Work Programme.

Secondly, regarding the decision on the complaint, the MO had considered the IO's Report in consultation with the Independent Person (IP), as required by the Council's Arrangements for Managing Standards Complaints. The MO and the IP had agreed with the Report's findings and reasoning for this. The MO had written to the complaint parties to advise them of this and to confirm that she was satisfied that no further action was required and that

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the complaint was concluded. In this regard, the IP had raised the issue of the length of time it had taken from when the complaint was made until it was concluded, some 9 months later. The information detailed in the MO's report in relation to the time delays was noted and the MO tabled for Members' information a full chronology of the complaint process.

In relation to the time delay in resolving the complaint, the MO had suggested in her report to the Committee that where a complaint had been made by a Member against another Member, the Committee consider whether the Arrangements for managing complaints should be amended so that in the first instance an inter-Member complaint should be referred to the Group Leaders to resolve before any referral to the MO. This would strengthen the role of Group Leaders in inter-Member complaints, enable them to be more proactive in dealing with such complaints in the first instance and encourage their Member/s engagement in the process. It was suggested that this approach could be taken where both the subject Member and complainant were members of a political group and neither was a Group Leader. Any complaints involving non-grouped Members, Group Leaders or where the complaint had been made by a member of the public would continue to be dealt with by the MO in the normal manner.

The MO expressed a degree of caution in relation to the introduction of any prescribed timescales for dealing with complaints as this was a fluid process, with each complaint having an individual set of circumstances. It was her view that there should not be a set time limit for resolving complaints as there could be a number of reasons why it might take longer than normally desired to conclude a complaint. She hoped, therefore, that complaints would not be gauged by timescales alone.

The MO outlined the difficulties she faced in attempting to resolve complaints locally. The new standards regime had little by way of sanctions that could be imposed on a Member were a complaint upheld and the Member found to have failed to follow the Code of Conduct. It was questionable as to how much ability the MO had to resolve complaints if the parties concerned were either unable or unwilling to agree a way forward, and she was unsure as to whether she was assisting in the process in such circumstances. The referral of inter-Member complaints to the Group Leaders in the first instance might assist as if the Group Leaders were unable to resolve such complaints then it was unlikely that the MO would be in a position to resolve them. The MO was however happy to continue dealing with complaints as at present should Members deem this to be the most appropriate course of action.

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One of the key issues to be determined was where the bar of 'acceptable' Member behaviour stood. The MO stated that it was not an issue of what sanctions were in place but that there were ground rules which Members should adhere to when dealing with each other.

Members supported the suggestion that inter-Member complaints (excluding complaints involving any non-grouped Members or Group Leaders) be referred to the Group Leaders for resolution in the first instance. It was felt that if inter-Member complaints could be resolved without the MO's involvement then that would be preferable for all parties concerned. The Committee felt that there should be high standards of conduct amongst Members with appropriate sanctions in place if Members were to breach the Code of Conduct. Members also agreed that there was a need for greater knowledge of the new standards regime, including the declaration of interests, amongst Members generally.

Members and the MO agreed that complaints should be resolved as speedily as possible, with all parties needing to support the process and to have the desire to seek an early resolution where practicably possible. It would always be the MO's aim to resolve a complaint as quickly as possible. However, if there was any unwillingness on the side of either the complainant or subject Member to do so then there was little the MO could do. The MO stated therefore that the Group Leaders might be in a position to move matters along more quickly than herself.

The Feckenham Parish Council Representative suggested that an aspirational time limit for concluding complaints might be considered, with a 3-month period being mentioned. Members agreed that this might be a useful addition in order to hopefully move complaints along. The MO stated that she was happy for there to be a notional time limit for concluding complaints, whilst highlighting that she unfortunately had no control over time limits generally or the time period involved in the specific complaint detailed in her report.

The MO stated that she would speak with the Group Leaders on the inter-Member complaints issue and report back to the Committee on this at the next meeting.

The Committee did not support the idea of introducing a press and media protocol for Members, or for there to be of any form of regulation in this regard. The MO advised that the idea was for there to be general guidance in place for Members in this regard and that no protocol would be introduced until Members were happy with this, with it being envisaged that Members would assist in the

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drafting of any protocol. A view was expressed by one Member that during election periods in particular any protocol could be open to abuse as this might either help or hinder Members in what they said to the press.

Regarding Member training, the Committee agreed that it was important for Members to attend training sessions. A Member queried how many Members had attended the safeguarding and vulnerable adults training sessions which had been conducted over the previous 6 months, as it was his understanding that some Members had still not attended this.

The MO stated that statistics on training attendances were given to the Member Support Steering Group as part of their role for overseeing Member training. She added that the only current mandatory training elements of the Councillor Training Programme related to the regulatory committees (Planning and Licensing), and that it was a matter for Group Leaders to encourage their Members to attend training sessions generally. Repeat training sessions were often required as Members had different working lives, meaning it was not always possible for Members to attend at certain times. Members had the option of deciding whether or not they attended non-mandatory training sessions. It was a Member decision as to which training sessions were deemed mandatory and if Members wanted to make certain sessions mandatory then they could do so. The Committee agreed that it was inappropriate to name and shame Members who failed to attend training sessions and that it was the role of the Group Leaders and Party Whips to encourage their Members to undertake any relevant training.

### **RESOLVED that**

- 1) the report of the Monitoring Officer be noted;**
- 2) the Committee reject the Investigating Officer's suggestion that a protocol for contact with the press and media by Members, in particular by senior Members of the Council, be developed;**
- 3) the Committee support the Monitoring Officer's suggestion that inter-Member complaints (excluding complaints where either the subject Member or complainant is not a member of a political group or is a Group Leader) be referred to the Group Leaders in the first instance to attempt resolution of these, and that the Monitoring Officer discuss this matter with the Group Leaders and report back to the Committee on any discussions at the next meeting; and**

- 4) **Officers be thanked for their work in managing the Member complaints process.**

### 12. PARISH COUNCIL REPORT

Ms Hawker, Feckenham Parish Council Representative, advised that Mr Wreide Poole had resigned as a parish councillor and was therefore no longer the Deputy Parish Council Representative on the Standards Committee.

Ms Hawker added that the Parish Council would be seeking a replacement deputy representative and would advise the Committee on any developments in this regard in due course.

**RESOLVED that**

**the position be noted.**

### 13. LOCALISM ACT 2011 - STANDARDS REGIME - BUDGET SETTING DISPENSATION

Members received a report which sought the granting of a general dispensation under s33 of the Localism Act 2011 to enable Members with a Disclosable Pecuniary Interest (DPI) to participate and vote in the Council's budget setting process.

The Monitoring Officer advised that a general dispensation was being sought to ensure that Members were protected should any question arise as to whether or not they could participate and vote in the budget setting process.

The request followed a similar report to Members in December 2012 at which point the Committee granted general dispensations in relation to the setting of the Council Tax, Council Rents, Members' Allowances and Members' speaking rights, where Members may otherwise have a DPI which would preclude them from participating and voting in these matters. The general dispensations granted were subject to Members lodging a formal written request for dispensation as and when they were considering any relevant business at meetings.

The caveat detailed in the report in relation to the budget setting dispensation under section 106 of the Local Government Finance Act 1992, that any Member who was 2 months (or more) in arrears with their Council Tax payments could not participate in any Council meeting concerning the budget, was noted. In the event that any Members were affected by the provisions of section 106, the

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statutory rule that they be barred from taking part in the budget decisions would prevail and any general dispensation granted by the Standards Committee would not apply.

The legislative requirement for Members to make a request in writing for dispensation at the time of considering any budget setting business at meetings remained.

### **RESOLVED that**

- 1) subject to the caveat detailed in paragraph 3.11 of the report (and as noted in the preamble above) in relation to Members who are 2 months or more in arrears with their Council Tax payments, a dispensation under Section 33 (2) of the Localism Act 2011 to allow all Members to participate in and vote at Council and committee meetings when considering setting the budget be granted;**
- 2) the dispensation referred to at 1) above take effect on receipt of a written request from Members for a dispensation and where Members may have a Disclosable Pecuniary Interest in the matter under consideration, which would otherwise preclude such participation and voting; and**
- 3) the dispensation referred to at 1) above be valid until the first Standards Committee meeting after the Borough Council elections in 2014.**

### **14. WORK PROGRAMME**

Members considered the future Work Programme of the Committee.

As detailed under Minute No. 11 (Monitoring Officer's Report), the Monitoring Officer would be bringing back to the January meeting details of any discussions with the Group Leaders on the referral of inter-Member complaints to the Group Leaders in the first instance.

It was anticipated that a further dispensations report for Members on certain outside bodies would also be referred to the January meeting as some Members might need to apply for such dispensations. A Member queried whether his being on the Tardebigge Trust would necessitate a dispensation, which the Monitoring Officer advised he should discuss with the Deputy Monitoring Officer.

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**RESOLVED that**

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

The Meeting commenced at 7.00 pm  
and closed at 8.22 pm

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Chair