



Standards Committee

30th September 2009

Minutes

Present:

Independent Members:

D Andrews (Chair) and B Warwick

Borough Council Members:

Councillors A Clayton, Field, Mould and Norton

Parish Council Members:

Councillor J James

Officers:

S Mullins (Monitoring Officer)

Committee Officer:

I Westmore

9. APOLOGIES

Apologies for absence were received on behalf of Councillors Fry and Pearce and Mr M Collins.

The Committee was informed that, unfortunately, Feckenham Parish Councillor J Matthews had decided to stand down from the Committee as he did not feel that he was able to devote sufficient time to the role.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 24th June 2009 be confirmed as a correct record and signed by the Chair.

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Chair

12. MATTERS ARISING

A member of the Committee asked Officers whether all Councillors had submitted updated Register of Interest forms following the Annual Meeting of the Council in May. The consequences of not returning an updated form were sought.

The Monitoring Officer confirmed that two Councillors, including one member of the Standards Committee, had not submitted updated forms as yet. It was stressed that Members were required to notify the Council of updates or changes to their registerable interests. However, no sanctions would be applied in respect of annual reissues as these were primarily a local convention provided as an assistance to elected members and intended to pick up amendments and changes of circumstance. Providing registerable interests had not changed, the Councillor would not have breached the Council's Code of Conduct.

The Monitoring Officer outlined her intention to follow up the matter with the Members' Services Officer and, directly or indirectly, the Members concerned.

The Chair informed the Committee that she and the Vice Chair had attended a recent meeting of the Planning Committee. This followed discussion at the previous meeting around the conduct and procedure at earlier Planning Committee meetings. The Chair reported that the meeting had been well chaired, members of the Planning Committee had conducted themselves properly, the procedure was clear and the public seemed well-informed and able to follow proceedings.

Councillor Norton informed the Committee that he, along with other elected Members from the West Midlands region, had attended a Standards Board for England Focus Group since the previous meeting.

13. MEMBERS' PLANNING CODE OF GOOD PRACTICE

The Monitoring Officer advised the Committee that the Planning Code of Good Practice required updating to remain in line with the changing role of Members in the Planning process. One of the more significant developments had been the recent guidance on pre-application discussions involving elected Members. Generally the new Code sought to prevent Members succumbing to the more common pitfalls associated with the planning process.

There was no desire to stifle the Council's role as a place-shaper but there was a wish to avoid the cause for complaint to the

Standards Committee. It was proposed that the draft Code be referred to the Planning Committee for its consideration.

Members welcomed this updated guidance and the clarification it might provide on the known areas of difficulty for Councillors such as invitations to visit application sites and other forms of lobbying from interested parties. In response to a query over the precise terminology used in the Code (the word 'excessively' in this case) the Monitoring Officer indicated that the choice of terms and their interpretation might vary according to the circumstances of a case and the nature of the Members concerned. Furthermore, it was conceded that there was still a fine balance to be struck between the place-shaping role of an individual Councillor and their role as a representative of their Wards particularly where they were on the Planning Committee.

RESOLVED that

- 1) **the draft Code be referred to the Planning Committee;**
- 2) **that, if the Planning Committee suggests no substantive changes to the draft Code, the Code be recommended to Council for approval; and**
- 3) **that, if the Planning Committee suggests substantive changes, the draft Code be brought back to this Committee for further consideration, prior to recommendation on to Council.**

14. STAKEHOLDER TRACKER 2009 (SATISFACTION WITH THE STANDARDS BOARD FOR ENGLAND AND ATTITUDES TO THE ETHICAL ENVIRONMENT)

The Committee received and considered a report detailing the findings of a satisfaction survey prepared for the Standards Board for England. The information was derived from a postal survey of all manner of local authorities.

Councillor Norton indicated that the information compiled was comparable to that being sought at the Focus Group which he had attended. The Monitoring Officer informed Members that the Standards Board did provide a professional helpline which was of use to practitioners but admitted that in other respects the Board was not necessarily as supportive and helpful as might be hoped.

RESOLVED that

the report be noted.

15. REVIEW OF THE LOCAL ASSESSMENT PROCESS

The Monitoring Officer provided an oral report in respect of the local assessment process for complaints, making particular reference to the one case that had been considered during the course of the previous year by the Assessment Sub-Committee.

The Monitoring Officer accepted that the initial case had been a learning process and had thrown up a number of points that may need addressing in due course. These were:

- a) length of time the process took – it had been a very protracted process;
- b) a lack of clarity as to what was involved in the process and how long each stage should take;
- c) the standard letters in the Standards Committee Toolkit needed amending;
- d) it would be more sensible to have the Monitoring Officer rather than the Chair of the Sub-Committee as the signatory of the decision letter, primarily for administrative reasons;
- e) a guide was needed to the process for both Members and Officers;
- f) there was a need to keep all relevant parties involved and informed during the course of a complaint; and
- g) there was a need to be clear as to the role of each person and each Sub-Committee in the process.

The Committee agreed with the points raised by Officers. It was noted that there was a resource issue that had been highlighted by this first hearing. The reasons for the length of time involved in disposing of this case were recognised by Members, but it did suggest that additional resources might be required should a more complex case or more than a single case at one particular time be referred to the Committee. It was also noted that the case in question had raised issues of due diligence on the part of all Council Members, a point that had been reflected in the response of the Sub-Committee to the finding of the investigation.

The Chair of the Committee commented that it had been difficult to assess the complaint at the initial stage given the information available and the relative unfamiliarity of Members with the process. It was proposed that Officers involved in undertaking a case might keep the Members involved and the wider Standards Committee informed of progress. In respect of the detail of this particular case it was noted that some Councils recorded the proceedings of their formal meetings, a practice which, it was suggested, might be considered at Redditch. Officers were of the opinion that this was not currently possible in the Civic Suite.

RESOLVED that

- 1) the oral report be noted;
- 2) the learning points a) to g), listed above, be addressed in due course by the Monitoring Officer; and
- 3) the Monitoring Officer write to all Members of the Council outlining the learning points arising from the review of the assessment process, including to the need to exercise due diligence in the making of public statements.

16. CHAIR'S / MEMBERS' REPORTS

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

17. PARISH COUNCIL REPORT

Parish Councillor James informed the Committee that the Parish Council was in the process of co-opting a Councillor onto their Council to fill a vacancy that had arisen. It was suggested that ex-Borough Councillor Pulsford might be appointed to the position.

18. WORK PROGRAMME

The Monitoring Officer proposed that the December meeting be used to host a visit from members of another Standards Committee. It was suggested that the Committee could benefit from the wealth of experience gained by the neighbouring authority of Bromsgrove. The Monitoring Officer undertook to seek the names of leading Standards Committees in the region from the Standards Board.

It was proposed that further items to be added to the December meeting were items regarding guidance on both Joint Standards Committees and also on Dispensations.

RESOLVED that

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

19. URGENT BUSINESS - REQUEST FOR DISPENSATION FROM FECKENHAM PARISH COUNCIL MEMBERS

The Chair advised that she had accepted an urgent item of business in respect of a request that had been received from the Clerk of Feckenham Parish Council for a dispensation for all of the Members of the Parish Council.

The Monitoring Officer reported that the Parish Council had received a grant request from the Fecknham Village Amenity Trust (the Trust) at the last meeting of the Council. All Feckenham Parish Councillors immediately became Trustees of the Trust on taking up office as Parish Councillors, meaning that all Members present had a personal and prejudicial interest in the matter before them. A dispensation for this very reason had been approved by the Borough Council for the Parish Council on 15th April 2002 under previous legislation.

New regulations had come into force on 15th June 2009 and these were tabled for Members of the Committee along with guidance from the Standards Board relating to the interpretation of these new regulations.

The Monitoring Officer informed the Committee that the request for dispensation was not in compliance with the guidance inasmuch as the Members of the Parish Council had not made individual requests for dispensation as was required. However, the Monitoring Officer advised that it was reasonable to accept the request from the Clerk as the interest was not personal to each of the Parish Councillors and there had been no dissenting voices from this course of action at the Parish Council meeting.

Members considered the matter in some detail but were content to grant the dispensations. They took into account the previous dispensations and the fact that the circumstances of the case had not materially altered since that earlier occasion. The Monitoring Officer noted that she intended to provide guidance for all Members on dispensations and would bring draft guidance back to a future meeting of the Committee for consideration.

RESOLVED that

under Section 81 of the Local Government Act 2000 the Council remove from all current and future members of the Feckenham Parish Council for a period of four years from the granting of the dispensation the disability imposed on them in relation to conducting any business relating to the Feckenham Village Amenity Trust because the number of members of the

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Parish Council who would be disabled at any one time would be so great a proportion of the whole as to impede the transaction of business.

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Parish Councillor James declared a personal and prejudicial interest in view of her position on the Parish Council and, consequently, the Feckenham Village Amenity Trust and withdrew from the meeting.)

The Meeting commenced at 7.05 pm
and closed at 8.29 pm

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Chair