

STANDARDS

Committee

13th October 2010

MINUTES

Present:

Independent Members:

Deborah Andrews (Chair)
Michael Collins (Vice-Chair)
Brian Warwick

Redditch Borough Councillors:

Andrew Fry
Malcolm Hall
William Norton
Brenda Quinney
Derek Taylor

Also Present:

Councillor Michael Braley

Officers:

D Parker-Jones, C Felton and C Flanagan

Committee Officers:

I Westmore

10. APOLOGIES

Apologies for absence had been received on behalf of Borough Councillor Anita Clayton and Parish Councillors Antonia Pulsford and Louisa Venables.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 30th June 2010 be agreed as a correct record and signed by the Chair.

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Chair

13. MONITORING OFFICER'S REPORT

Training

The Monitoring Officer informed the Committee that training was to be provided to members of the Standards Committee prior to the first hearing that was shortly to be undertaken. It was noted that the cut-off for the hearing of complaint reference 01/2010 was 23rd November 2010.

More generally, it was noted that Officers intended to develop a Member Training Programme based upon what Councillors considered they needed to know in order to fulfil their roles. It was hoped that a draft programme could be circulated to Members prior to Christmas. This process was being managed through the Member Development Steering Group. In parallel with this, it was also recognised that Members were under-resourced in terms of IT provision and it was intended that money would be sought to remedy this shortcoming.

Standards for England regime

The Monitoring Officer commented that the Council was awaiting further information from the Government on this but it was expected that Standards for England would be abolished and the Standards Committee process with it. Central Government considered that the present regime was 'a sledgehammer to crack a nut'. It was anticipated that complaints would be dealt with through the Local Government Ombudsman or the criminal justice system, depending on the nature or severity of the case.

The Committee was informed that, until any replacement process came on stream, the existing regime would continue in its current form, probably for the next 18 months or thereabouts.

Member Investigations

It was reported that there were three ongoing Member investigations at the present time. Two were at the stage of the Investigating Officer's report being compiled. The third had been the subject of an investigation and was now ready to go to a hearing.

Members noted with some concern that it had taken approximately six months for the latter complaint to reach the culmination of the process. The different stages of the process were explained by Officers and the requirements set out in the Guidance from Standards for England highlighted. The fact that the Council

adopted a Sub-Committee procedure for dealing with complaints throughout also meant that the majority of Members were unaware of the progress of complaints through these different stages.

RESOLVED that

the report of the Monitoring Officer be noted.

14. LOCAL ASSESSMENT OF COMPLAINTS

The Deputy Monitoring Officer reported that, in the light of Officers' experiences in undertaking recent assessment and investigation of complaints, a number of changes were being proposed to the process in order that apparent anomalies might be overcome.

The first and most substantial change was in the timing of the notification to the subject Member that a complaint had been received about them. At present the Monitoring Officer could only provide the subject Member with notification that a complaint had been received and the general nature of the complaint but that a written summary of the allegation would only be provided once the Standards Assessment Sub-Committee had met to carry out its initial assessment of that complaint. It was considered that this might cause Members unnecessary concern in respect of a matter which the Assessment Sub-Committee might determine does not constitute a valid complaint and which would therefore go no further.

Some Members took the contrary view, suggesting that Members should be made aware that complaints had been received about them at the outset. To an extent, the present rules appeared to go against the rules of natural justice and the proposed change did not appear to remedy this. It was clarified for the benefit of the Committee that it was due to the legislation (Local Government Act 2000 (as amended)) that only the Standards Committee had the power to give a written summary of an allegation to the subject member. This time lapse between the fact of the complaint and the details of it, was the source of the problem which the change in procedure was hoped to remove. The most recent complaint received by the Monitoring Officer had been a case in point, causing a considerable amount of stress for the subject Member and resulting in strained Member / Officer relations. It was also noted that there was a definite period of time within which the Assessment Sub-Committee would be expected to make an initial assessment, hence the period between the receipt of the complaint and this stage was not unduly long.

STANDARDS

Committee

13th October 2010

The second proposal was a largely administrative change, seeking amendment to those parts of the local procedure which related to the request for information from the subject Member and complainant as there was presently duplication in the roles played by the Monitoring Officer and Investigating Officer. It was suggested that questions to the complainant and subject Member regarding suggested evidence and lines of enquiry might more properly come from the Investigating Officer.

It was noted that there were, in addition, a number of small changes required to the terminology within the procedure to fulfil certain statutory requirements.

RESOLVED that

- 1) **the proposed amendments to the Procedure for the Local Assessment and Investigation of Complaints that Councillors have breached the Code of Conduct as set out at Appendix 1 to the report be adopted; and**
- 2) **delegated authority be given to the Monitoring Officer to make amendments to the Procedure for the Local Assessment and Investigation of Complaints in line with statutory provisions and guidance.**

15. CHAIR'S / MEMBERS' REPORTS

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

16. PARISH COUNCIL REPORT (IF ANY)

Given the absence of the Parish Council representatives, there was no report from the Parish Council.

17. PUBLICATIONS

Members considered the Standards for England Bulletin No. 48 (August 2010) and the Press Release from the Department for Communities and Local Government published on 20th September 2010 on the future of the Standards regime.

Members were not convinced that the Press Release indicated a proper understanding of the nature of most Standards cases and focussed unnecessarily on those very rare cases of corruption which occurred. The Committee was advised that they could make their views on the matter known via the website of Local Government Improvement and Development (formerly the IDeA).

STANDARDS

Committee

13th October 2010

RESOLVED that

the publications be noted.

18. WORK PROGRAMME

The Monitoring Officer indicated her intention to provide additional training on the Council's Code of Conduct, both now for existing Members and also following the elections in May 2011 for new Members. It was indicated that this could be provided to individual Groups should that be more convenient.

RESOLVED that

subject to the preamble above, the Committee Work Programme be noted.

The Meeting commenced at 7.00 pm
and closed at 8.31 pm

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Chair