

MINUTES OF: THE STANDARDS COMMITTEE

Date of Meeting: 13th June 2012

**PRESENT: Mrs I Divine, Mr A Neville, Mr K Pilkington
Councillors D Barnes, Cheetham, Gill, Keynon, McInnes, Serridge
and Shipley**

**IN ATTENDANCE: Sian Roxborough, Head of Legal and Democratic Services
Jenni Cook, Committee Officer**

ALSO PRESENT: No member of the public or press were present

1. APPOINTMENT OF INTERIM CHAIR

The Head of Legal and Democratic Services asked for nominations for the Interim Chair of the Standards Committee.

Mrs Irene Divine was proposed and seconded.

Resolved:

That Mrs Irene Divine be appointed as the Interim Chair of the Standards Committee.

Mrs Divine took the Chair for the remainder of the meeting.

2. APPOINTMENT OF INTERIM VICE-CHAIR

The Chair asked for nominations for the Interim Vice-Chair of the Standards Committee.

Mr Andrew Neville was proposed and seconded.

Resolved:

That Andrew Neville be appointed as Interim Vice-Chair of the Standards Committee.

3. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been received from Councillor Sandiford (Councillor Shipley substituting), Councillor Mellor and Councillor Marriott.

4. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the Standards Committee held on 6th March 2012 be confirmed as a correct record.

5. URGENT ITEMS

The Chair confirmed that there were no urgent items of business.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. PUBLIC QUESTION TIME

No members of the public were present.

8. CHAIR'S UPDATE

The Chair of the Standards Committee provided members with an update as follows:-

Recruitment of Independent Members – it was confirmed that the post had been advertised and that all applicants were being interviewed. Discussion took place on how and where the post had been advertised and disappointment was expressed that this had not been in local newspapers. The Head of Legal and Democratic Services agreed to clarify this to Members.

Standards Processes – the Chair clarified to members that the current standards regime would end on 31st June 2012, however at Full Council in March, members agreed to maintain the existing procedures until a decision at Full Council on 11th July 2012.

9. NEW CODE OF CONDUCT FOR MEMBERS

The Head of Legal and Democratic Services outlined the report which gave details of the proposed new Code of Conduct for Members which would be taken to Full Council on 11th July 2012. It was noted that following Full Council in March, a Working Group was established which met on 9th May 2012 to discuss and outline a new Code of Conduct, which would replace the existing code in the Council's Constitution. It was noted that this was a requirement of the Localism Act 2011.

The Working Group had considered draft codes from ACSeS and from other Authorities and had made recommendations to include more information regarding respect, research on other local authorities' hospitality policies and lowering of the hospitality amount to £25, a list of complimentary policies to the Code to be added, reference to the Civic Protocol, clarification of the criminality issue and process that the Monitoring Officer would follow and clarification of the paragraphs regarding overview and scrutiny. The Head of Legal and Democratic Services noted that since that meeting, a further version was released by ACSeS and that the overview and scrutiny paragraph had been deleted.

Members discussed the report and the following comments were made:-

- Child Protection Policy – members discussed the implications of this and it was agreed that the Head of People and Policy would be asked to provide a briefing note for members which outlined the policy and general safeguarding obligations with regard to vulnerable persons.
- It was noted that once new procedures were in place, training would be provided to members.

The Head of Legal and Democratic Services circulated a basic draft of the proposed new procedure for investigating complaints against Councillors and asked for members' feedback and comments.

Members discussed the proposed new procedure and the following comments were made:-

- The previous procedure and standards regime was discussed and noted.
- The procedure required further clarification of actions carried out by the Monitoring Officer on receipt of a complaint, such as initial enquiries and clarifying the complaint.
- The procedure needed to note that if criminal activity was alleged then the Monitoring Officer would pass this onto the Police at an early stage.
- Discussion took place on what would happen, should the Police decline to investigate.
- It was noted that the subject member should be notified that a complaint had been received against them as early in the process as possible, and the process clearly outlined to them. Discussion took place on the anonymity issues surrounding this and it was noted that the complaint form currently had an option for a complainant to remain anonymous and that this needed to be retained in any new complaint forms.
- The role of the Independent Persons was discussed and it was clarified that this was an observing role and that any Standards Sub-Group convened to consider complaints would be made up of elected members. Discussion took place on the political balance and it was noted that 1:1:1 was the current composition, where possible. It was also noted that the proposed Standards Sub-Group should be able to be made up of any elected member, who had been trained appropriately, as restricting this to a group of members such as the Appointments and Appeals Committee could be restrictive in terms of member availability.
- The new complaint form should provide prompts to ensure that a complainant included as much information as possible, e.g. prompts for supporting documentation.
- It was noted that any new procedure needed to be as simple as possible.
- It was noted that the Localism Act had taken away the sanction of suspension and discussion took place on what would happen if a member did not comply with the recommendations of sanctions of the monitoring officer or Standards Sub-Group.
- Discussion took place on vexatious complaints against Councillors and the Chair noted that a level of trust in the Monitoring Officer and Independent Persons was required.
- It was noted that this procedure would require further amendments as more legislation/advice was released and that Full Council should be recommended to ask the appropriate committee to review the procedure 6 months after its implementation and that the review could include examples of other local authorities' new Codes of Conduct.

Resolved:

1. That Full Council be recommended to adopt the new proposed Code of Conduct for Members which will replace the current Code of Conduct in the Council's Constitution from 12th July 2012, with a review taking place by the appropriate committee 6 months after its implementation.
2. That Full Council are asked to delegate all future minor amendments to the Code of Conduct for Members including legislative updates to the Council's Monitoring Officer in consultation with the relevant Portfolio Holder.
3. That the Complaints and Investigation Procedure is re-drafted and circulated to

the Standards Committee Members prior to its submission to Full Council on 11th July 2012.

4. That Full Council be recommended to include in the Complaints and Investigation Procedure that the Standards Sub-Group be made up of any elected Member, who had received standards training in the last 12 months.

10. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the meeting during consideration of the following item of business on the grounds that it involved disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) under Part 1 Paragraphs 1 - 3 of Schedule 12A to the Local Government Act 1972.

11. STANDARDS COMPLAINTS UPDATE

The Chair provided members with a verbal update on complaints to the Standards Committee since the last meeting. Members discussed the update.

Resolved:

That the update be noted.

The meeting commenced at 6.30pm and concluded at 8.10pm

CHAIR