

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Thursday, 10 December, 2009 at 6.00 p.m. at Civic Offices, Telford

PRESENT: Councillors D. Allen, R. Aveley, V.A. Fletcher, R.E. Groom, C.R.P. Mollett, K.S. Sahota and A.J. Stanton
A. Simpson (Chairman) and A. Selvaratnam (Independent Members)
Councillors D. Edwards, R. Wickson and R. Williams (Parish Council representatives)

ST-17 COUNCILLOR PAULINE PICKEN

The Chairman paid tribute to Councillor Pauline Picken who had died recently. Councillor Picken had been a Parish Councillor representative on the Committee, and Members expressed their appreciation for her work and the contribution she made to the Committee.

ST-18 MINUTES

RESOLVED – that the minutes of the meeting of the Standards Committee held on 10 December 2009 be confirmed and signed by the Chairman.

ST-19 APOLOGIES FOR ABSENCE

Councillor H. Rhodes (TWC); F. Beasland and B. Bayley (Independent Members)

ST-20 DECLARATIONS OF INTEREST

None

ST-21 UPDATE ON STANDARDS COMMITTEE WORK PROGRAMME

The Group Solicitor: Standards & Regulatory presented the report of the Head of Legal Services & Monitoring Officer which updated Members on progress in relation to the work programme which had been agreed for the current municipal year.

In some cases the work had been completed, but there were delays with some of the work that required significant resources – eg: Review of Member/Officer protocol. In some cases, those resources had been diverted away from this work by other ethical standards matters such as dealing with referral and review sub-committees and co-ordinating local investigations. In relation to item 12 on the work programme, it was reported that the Committee's recommendation to establish a Dispensations Sub-Committee had been approved by the Council Constitution Committee for approval by full

Council. A further report would be presented to the Committee at the end of the current municipal year.

In response to a question about progress on providing Code of Conduct training for all Borough and Town & Parish Members, the Group Solicitor advised that there had been some delay in organising the training, but it was now expected to take place around February/March 2010. An external trainer and general format for the training had been agreed. In response to a question concerning progress on joint working with other authorities, it was reported that the Combined Fire Authority had no objection to the principle of a Joint Standards Committee, but had asked for further details. Informal enquiries had been made with Shropshire Council, but it appeared that this was not something they were looking to do at the moment.

RESOLVED – that the report be noted.

ST-22 ANNUAL REVIEW OF STANDARDS COMMITTEE TERMS OF REFERENCE

The Group Solicitor: Standards & Regulatory presented the report of the Head of Legal Services & Monitoring Officer which provided details of the Terms of Reference and role and function of the Standards Committee for review by Members.

The terms of reference appeared in the Council's Constitution, and were appended to the report for reference. There had been only one recent change relating to the introduction of a sub-committee to consider dispensations, subject to full Council approval. The system for local assessment of Code of Conduct complaints had now been in place for about 18 months, and as most members of the Committee had now taken part in assessing complaints, any comments on the procedures and criteria were invited. Members expressed the view that the process was working quite well. However, for clarity, it was suggested that additional wording be added to the second paragraph of the terms of reference of the Review Sub-Committee to state that the members of the Review Sub-Committee should be different to the members on the Referrals Sub-Committee who made the initial assessment.

RESOLVED – that the Terms of Reference be confirmed, with the addition of wording to the second paragraph of the Review Sub-Committee's terms of reference to make clear that the membership of the Review Sub-Committee must be different to the membership of the Referrals Sub-Committee who made the initial assessment.

ST-23 REVIEW OF PUBLICITY AND GUIDANCE DOCUMENTS FOR CODE OF CONDUCT COMPLAINTS

The Group Solicitor: Standards & Regulatory presented the report of the Head of Legal Services & Monitoring Officer which provided details of the proposed changes to documentation used to publicise the local code of conduct complaints system.

Documentation relating to the local system for filtering code of conduct complaints was initially prepared based on guidance set out by Standards for England. These documents had now been reviewed and updated for consideration by the Committee. Attached at Appendix 1 of the report was an updated version of the Public Notice providing basic details of the complaints system for display on public noticeboards and on the Council's website. Attached at Appendix 2 of the report was a new guidance document which included an updated complaint form – which incorporated the comments from Members earlier in the year. The guidance document included a significant amount of information, but it was considered that it would anticipate the many questions that the public may have about the system, and provide a full picture of all the processes involved in dealing with Code of Conduct complaints.

During the ensuing discussion, Members made a number of comments and suggestions on the new documentation, including:

- that in the Public Notice, the e-mail/web links should be underlined;
- that the new complaint form should include a space where the date of receipt could be stamped;
- it was considered that the Guidance on Complaints document was too large a document for the public to understand, and it was proposed that the complaint form be provided separately, with the detailed information provided in an accompanying booklet format.
- an amendment to the wording in Appendix 6 – frequently asked questions - relating to making a complaint about an ex-councillor, in order to clarify the situation where a councillor may have resigned, but was then subsequently re-elected;
- remove the wording “de novo” from paragraph 8(a) of the assessment and review criteria for Initial Assessment of Standards Complaints

RESOLVED – that the new documentation attached to the report be approved, subject to inclusion of the amendments shown above.

ST-24 UPDATE TO LOCAL INVESTIGATIONS AND HEARINGS PROCEDURE

The Group Solicitor: Standards & Regulatory presented the report of the Head of Legal Services & Monitoring Officer which sought approval for an updated procedure for local investigation of code of conduct complaints and local hearings following local investigations.

The existing procedures required updating following the introduction of new provisions contained in the Local Government and Public Involvement in Health Act 2007 coupled with subsequent guidance from Standards for England. The revised local investigation procedure, which was more concise than the previous version, was shown at Appendix 1 of the report, and the revised hearing procedure was set out at Appendix 2. Members were also being recommended to give delegated authority to the Monitoring Officer to amend the procedure or depart from it when considered necessary to do so. This was to take account of circumstances when there was either a scenario

during an investigation or hearing which was not previously envisaged and /or when minor amendments were required to reflect changes in statute, guidance or case law. During the ensuing discussion, Members proposed an amendment to this recommendation so that any amendments or changes made by the Monitoring Officer under delegated powers were done so in consultation with the Chairman.

It was also suggested that as Regulation 16 of the Standards Committee (England) Regulations 2008 was referred to in the procedures, the full wording or explanation of this regulation could be included for clarity.

RESOLVED –

- (a) that the local investigations and hearings procedures, as shown at Appendix 1 and 2 respectively of the report, be approved, subject to the amendment to append Regulation 16 of the Standards Committee (England) Regulations 2008.**
- (b) that delegated authority be given to the Monitoring Officer, in consultation with the Chairman, to amend or depart from the procedures when it is necessary to do so.**

The meeting ended at 7.09 pm

Chairman:

Date: