

STANDARDS COMMITTEE

Agenda item 2

28 September 2007

Present: Mr Simon Lainé (Chair), Mr John Leamon (Vice-Chair), Mr John Cripps, Mr David O'Connor
Parish Councillor Stuart Fowler
Councillors Tina Franklin and Robin MacDonald.

Apologies: Councillor David Prince

Also in attendance:

(4.00 – 5.12 pm)

1. MINUTES

RESOLVED: that the minutes of the meeting held on 13 July 2007 be approved and signed as a true record.

2. MATTERS ARISING

Page 2, item 4 – Parish Councillor Fowler agreed to chase the parish council clerks regarding the need for them to place an advert regarding the new members code of conduct.

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3. DECLARATIONS OF INTEREST

Mr Cripps declared an interest in agenda Item 4 and advised that he would leave the room for this item.

4. REAPPOINTMENT OF MR JOHN CRIPPS TO THE COMMITTEE

The head of legal services advised the committee that the four-year term of Mr Cripps was due to come to an end in October and if they wished they could reappoint him for a further two-year term.

RESOLVED: that the committee recommend to Council that Mr John Cripps be appointed as an independent member of the standards committee for a further two years.

5. MEMBERS REPORTS ON ATTENDANCES AT COUNCIL, COMMITTEE AND PARISH COUNCIL MEETINGS AND OTHER MEETINGS

Parish Councillor Fowler had advised that there had been a meeting of C5 (a joint meeting of representatives from the five parish councils) where parish councillors had considered a draft constitution for the group.

Mr Leamon suggested that it would be helpful if members of this committee spread their attendance across parish council and council meetings and the chairman asked the democratic services manager to produce a timetable to facilitate this.

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6. UPDATE ON LATEST BULLETINS, CASES AND COMPLAINTS

Members discussed the latest bulletin from the Standards Board for England (SBE) which had been circulated with the agenda.

Members discussed the annual letter from the local government ombudsman which had been circulated with the agenda. The committee was pleased to note that the number of complaints the ombudsman had referred back to the council to deal with fell below the national average and generally they felt it was a very good report.

7. PREDETERMINATION, PREDISPOSITION, OR BIAS, AND THE CODE

The head of legal services introduced the occasional paper from the SBE which had been circulated with the agenda. He also referred members to the advice from Queen's Counsel on predisposition which he felt set out the issues very clearly. Members agreed it was a very interesting and helpful document.

RESOLVED: The advice from the SBE and from Queen's Counsel on predetermination, predisposition, or bias and the code be noted for future reference.

8. CORPORATE GOVERNANCE

The head of legal services introduced the report of the borough solicitor on corporate governance which was asking the committee to nominate a member to sit on the corporate governance working group. The committee agreed that it would be appropriate for an independent member to take this position and Mr Cripps expressed an interest. He was seconded by Mr Leamon.

RESOLVED: Mr Cripps be nominated to sit on the corporate governance working group.

9. LOCAL FILTERING OF COMPLAINTS ABOUT MEMBERS CONDUCT

The head of legal services introduced the report of the borough solicitor regarding the potential resource requirements and possible collaborative arrangements for supporting the local filtering of complaints about members' conduct.

Generally members were supportive of the twin track approach but were concerned about the frequency and the potential short turnaround times for the initial determination. This was a particular concern for the members of the committee who worked full-time and therefore could not usually make themselves available at short notice. Members were also concerned about the levels of officer time set out in the report. They felt the best approach would be to have a predetermined schedule of meetings and a pool of members who could be contacted by phone. The joint local filter committee would seem to facilitate this approach.

The Chair asked whether there was any mechanism for claiming back costs from the complainant if their complaint fails. The head of legal services advised that this would not be within their remit and would need to be decided at a national level by the Standards Board for England. It may also deter people from making a complaint if they felt there was a risk that they may end up paying costs.

RESOLVED:

- i) the concept of a joint local filter committee/sub-committee as described in appendix 'A' be agreed in principle and the monitoring officer be authorised and instructed to pursue such arrangements and report back on progress to the next Full Council,**
- ii) the monitoring officer be authorised and instructed to prepare, in parallel, an alternative proposal involving an increase in the size of the standards committee from 8 to 10 members, as set out in paragraph 2.16, such proposal to be brought before Full Council for approval in the event that attempts to develop a joint local filter committee/sub-committee fail to bear fruit,**
- iii) the monitoring officer and assistant director front-line services be instructed to establish a protocol for the utilisation of benefits investigation staff in the investigation of complaints and breaches of the members' code of conduct.**

10. REVIEW OF PROGRESS AGAINST WORK PLAN

The workplan was noted.

11. DATE OF NEXT MEETING

The date of the next ordinary meeting of the Committee will be on 7 December 2007.

12. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

RESOLVED: that in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the next two items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1, Part 1, Schedule 12A (as amended) of the Local Government Act 1972, namely:-

Paragraph 1

Information relating to any individual

13. ADVICE FROM THE MONITORING OFFICER

Members reviewed the advice from the monitoring officer on a code of conduct matter and decided no further action was required from this committee at this stage.

14. COMMUNICATIONS FROM THE STANDARDS BOARD FOR ENGLAND

Members noted a letter from the Standards Board for England regarding a code of conduct issue.

MR SIMON LAINÉ

To be approved at the next meeting of the Standards Committee on 7 December 2007

CHAIRMAN