

STANDARDS COMMITTEE

31st March 2009

PRESENT:-

District Council Members

Councillors Harrison and Mrs. Hood (Conservative Group) and Mrs. Mead (Labour Group).

Parish Members

Mr. R. Buxton (Hatton Parish Council), Mr. K. Fairbrother (Castle Gresley Parish Council) and Mr. K. Overton (Willington Parish Council).

Independent Members

Mr. D.R. Williams (Chairman), Mr. P. Dawn (Vice-Chairman), Mr. R. Pearson, Mr. P.B. Purnell and Mr. T. Thompson.

The Chairman welcomed Mr. R. Buxton (Hatton Parish Council) to the deliberations of the Committee following his appointment by the Derbyshire Association of Local Councils to replace Mrs. C. Barker (Barrow-on-Trent Parish Council) after her recent resignation.

SC/39. **MINUTES**

The Open Minutes of the Meetings held on 15th and 18th December 2008 and of the Special Meeting held on 22nd January 2009 were taken as read, approved as true records and signed by the Chairman.

MATTERS DELEGATED TO COMMITTEE

SC/40. **APPOINTMENTS - INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

Members were reminded that on 16th June 2005, the Full Council appointed three independent members to the Standards Committee for a period of four years from 21st June 2005. Accordingly, this period would end on 21st June 2009 and at the Full Council Meeting held on 26th February 2009, Members considered a report on the recruitment of three Independent Members to fill the vacancies that would arise. A copy of the report to the Council was attached and it was noted that the recommendations had been approved by Members, who had also expressed their gratitude to the Independent Members who had served on the Committee since June 2005.

It was intended to place the advertisements within the next few weeks and it was noted that the Full Council had agreed that applications would be accepted from the existing Independent Members of the Committee.

RESOLVED:-

That the report be noted.

SC/41. **STANDARDS COMMITTEE PRESS POLICY**

It was reported that the Standards Board for England (SBE) had produced a “Press Toolkit – Guide for Authorities” to help press officers to respond to media enquiries about the work of Standards Committees in connection with the local assessment and determination of complaints. The toolkit had been prepared using the SBE’s experience of handling media enquiries since 2002. Media enquiries to the Council were handled by the authority’s Communications Team and this would apply equally to the business of the Standards Committee in processing complaints. The toolkit recommended the following as part of a checklist for press officers:-

- The Communications Officer should be the first point of contact for all media interest.
- A press policy should be developed, setting out what sort of information would or would not be given to the media in relation to Code of Conduct cases.
- Consideration should be given to the ways in which the outcomes of cases would be made available to the public, in addition to the legal requirement, e.g. press releases of case outcomes.

The Committee considered several principles to form a press policy.

RESOLVED:-

That a press policy be approved on the following basis:-

(1) Confirmation to the media that a complaint has been received will not be given until the Member has been informed by the Monitoring Officer. Under Section 57C(2) of the Local Government Act 2000 (as amended), only the Sub-Committee has the power to give a written summary of the allegation to the subject Member. The subject Member is not informed that a complaint has been submitted until the Sub-Committee has met and made an assessment decision. The following details will be confirmed:-

- ***The date the complaint was received.***
- ***The date of the assessment decision.***
- ***The type of person who has complained, but not their name.***
- ***The part of the Code that is engaged.***

At this stage, it will be confirmed whether or not the complaint was referred for investigation. However, the subject Member’s name will not be released following the assessment decision.

(2) No specific information will be provided while an investigation is ongoing.

(3) Once the report of the investigation has been completed, there may a determination hearing which may or may not be open to the press and public. Public notice of the hearing must be given and the date will be confirmed to the media once it is known and all the interested parties have been informed.

(4) In addition to the public notices that have to be given on the conclusion of a determination hearing, unless a subject Member

has been found not to have breached the Code and asks for a notice not to be published, a press release be issued as appropriate, to be determined by the Sub-Committee (Hearing) on the basis of the public interest. The issue of press releases will help to inform the public of the role of the Committee and the action being taken to uphold standards of conduct.

- (5) When the Sub-Committee (Initial Assessment) decides to refer an allegation for “other action”, there is no requirement to publicise this, except to the extent that the summary under Regulation 8 does so. A general policy not to publicise other action decisions will be adopted.***

(Councillor Harrison joined the Meeting at 6.25 p.m.)

SC/42. **LOCAL ASSESSMENT OF COMPLAINTS – PROCEDURAL ISSUES**

It was reported that following the implementation of the new local assessment regime from 8th May 2008, the complaints information on the Standards and Behaviour section of the Council’s website had been expanded and as part of this, it was felt that a formal procedure for the local assessment of complaints should be available for the benefit of all concerned to accompany the other documents. Accordingly, a procedure had been prepared in accordance with the guidance adopted by the Council and this was attached to the report.

At the Meeting held on 21st April 2005, the Committee approved a procedure for Local Determination Hearings. Under the new regime, such a Hearing had been unnecessary to date, but minor amendments were required to the approved procedure to reflect the provisions of The Standards Committee (England) Regulations 2008. These suggested amendments were tracked on the revised document attached to the report.

The Terms of Reference for Standards Sub-Committees were set out in Article 8A of the Council’s Constitution. For the purposes of clarity relating to the various stages of the process, it was considered that these Terms of Reference should be amended to reflect responsibilities for a Standards Sub-Committee (Consideration), which would consider an investigator’s report following a local investigation. Accordingly, a revised Article 8A was attached to the report.

Members considered that the headings within the procedure for the local assessment of complaints should also relate to the various stages of an investigation, as now detailed in Article 8A.

RESOLVED:-

- (1) That, subject to the minor amendment to the procedure for the local assessment of complaints outlined above, the documents attached to the report be approved.***
- (2) That Full Council be requested to approve the changes to Article 8A of the Council’s Constitution relating to the Terms of Reference of the Standards Sub-Committees, as attached at Annexe ‘A’ to these Minutes.***

SC/43. **SUMMARY OF COMPLAINTS TO STANDARDS SUB-COMMITTEES**

Members were reminded that the Local Assessment regime introduced by The Standards Committee (England) Regulations 2008 relating to the assessment of complaints had been operative since 8th May 2008. A summary of the complaints received was attached to the report without naming the complainants and the subject Members.

Regulation 8(5) required a Sub-Committee to produce a summary in writing of its consideration of an allegation or a review of a decision. The written summary must record the main points considered, the conclusions as regards the allegation or review of the decision and the reasons for that conclusion; be prepared having regard to any relevant guidance issued by the Standards Board; be available for inspection by members of the public at the offices of the authority for a period of six years beginning with the date of the Meeting; and be given to any parish council of which any Member who was the subject of an allegation referred to in the written summary was a Member.

The financial implications were outlined, indicating that at its Meeting held on 19th March 2009, the Finance and Management Committee had agreed to carry forward £25,000 into 2009/10 for use in relation to the Local Assessment regime, subject to the final outturn figures.

Ongoing reports would be submitted to the Committee on further complaints received.

RESOLVED:-

That the summary of complaints considered by the Standards Sub-Committees be noted.

SC/44. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)****RESOLVED:-**

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meetings held on 15th and 18th December 2008 were duly received.

COMPLAINTS TO STANDARDS SUB-COMMITTEES (Paragraphs 1 and 2)

The Committee noted the Decision Notices relating to Meetings of the Standards Sub-Committee (Initial Assessment) and Standards Sub-Committee (Review) since the last Meeting.

D.R. WILLIAMS

CHAIRMAN