

STANDARDS COMMITTEE

21st April 2005

PRESENT:-

District Council Members

Councillors Bale and Mrs Mead.

Parish Members

Mrs. C. Barker and Mr. R. Buxton.

Independent Member

Mr. D. R. Williams (Chair) and Mr. P. Dawn (Vice-Chair).

APOLOGY

An apology for absence from the Meeting was received from District Councillor Dunn.

SC/13. **MINUTES**

The Open Minutes of the Meeting held on 2nd September 2004 were taken as read, approved as a true record and signed by the Chair.

With regard to Minute No SC/8 relating to the third Annual Assembly of Standards Committees held on 13th/14th September 2004, presentation slides from the event were circulated to Members. Further to Minute No SC/2, it was noted that Mr. Taylor had now resigned as an Independent Member of the Committee due to health reasons. With regard to Minute No. SC/9 (2) relating to Equalities and Diversity training, it was reported that this would now be arranged in July 2005 following the forthcoming recruitment process relating to Independent Members.

SC/14. **CONSULTATION PAPER ON REVIEW OF THE CODE OF CONDUCT FOR MEMBERS**

It was reported that the Code of Conduct was introduced in November 2001 and came into force across all authorities in May 2002. It was now considered timely to review the effectiveness of the Code of Conduct and explore ways in which it could be improved or clarified. At the request of the Minister of State for Local and Regional Government, the Standards Board for England was therefore conducting a review of the Model Code of Conduct for Members. Following consultation, the Standards Board for England would formulate recommendations for consideration by the Office of the Deputy Prime Minister.

In view of the length of the consultation paper and the various questions posed which required consideration, it was suggested at a Special Meeting of the Committee be arranged early in May to formulate a response on the Consultation Paper for recommendation to the Full Council on 19 May 2005, prior to the closing date for comments on 17th June 2005. The Monitoring Officer reported that she had now prepared some suggested model answers

to the questions based on information received from the Association of Council Secretaries and Solicitors and these would be circulated to Members.

RESOLVED:-

That a Special Meeting of the Committee be held on Monday, 9th May 2005 to formulate a response on the Consultation Paper for recommendation to the Full Council.

(At this point, Mr P. Dawn (Vice-Chair) joined the Meeting.)

SC/15. **LOCAL INVESTIGATION OF REFERRED COMPLAINTS FROM THE STANDARDS BOARD FOR ENGLAND**

It was reported that the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 ("the Regulations") now enabled the Standards Board for England ("SBE") to refer complaints of Councillor misconduct to the Monitoring Officer for local investigation. This was instead of investigation by the SBE's Ethical Standards Officer ("ESO") before a complaint was determined by the Authority's Standards Committee or Sub-Committee. The SBE had published guidance as to how Local Authorities should arrange for the conduct of such Local Investigations and the first cases would now start to be referred to individual authorities for Local Investigation and determination under these Regulations. The Regulations also made important amendments to the powers of Standards Committees, even in cases which had been investigated by an ESO. This was a further step in giving Local Authority Standards Committees responsibility for complaints of Councillor misconduct and would assist the SBE in ensuring that the less serious complaints were dealt with promptly.

When the SBE received a complaint, firstly it had to decide whether the complaint appeared to relate to a possible failure to comply with the Code of Conduct, and then whether it merited investigation. The SBE would now notify the Monitoring Officer of the complaint at this early stage and ask for background information to ensure that it only referred for investigation those complaints which really merited such action. Whilst there was no duty on the Monitoring Officer to seek to resolve the complaint at this stage and indeed, many complaints would not be capable of such local resolution, this may enable the Monitoring Officer, in appropriate cases, to explore whether there was anything which the Councillor and/or the Authority could do to resolve the complaint and thereby avoid the time and cost of a formal investigation. Such local resolution would be affected by securing the agreement of the Complainant, or otherwise persuading the SBE, that the complaint be not investigated or that no action was required.

The report outlined the procedure for Local Investigations together with an amended procedure for Local Hearings. Members were reminded that the Committee had approved a procedure for Local Hearings at the last Meeting held on 2nd September 2004 and this had now been amended to reflect certain changes made by the Regulations.

The Council remained responsible for standards matters in respect of Parish Councils in the District. The Regulations provided that where, in the course of an investigation, the Investigating Officer required the Parish Council to provide any advice or assistance in connection with the investigation, the

District Authority should meet any reasonable costs incurred by the Parish Council in providing such advice or assistance. Accordingly, where the District Authority was required to arrange the investigation of a complaint against a Parish Councillor, the Authority not only had to bear the direct costs of the investigation and any subsequent hearing but, in addition, if the Investigating Officer required the Parish Council to provide information for the investigation, such as copies of any Codes of Conduct, minutes of meetings or records etc, the Parish Council could recover the costs of providing such information from the District Authority.

RESOLVED:-

- (1) That the procedure for Local Investigations attached at Annexe 'A' to these Minutes be approved and adopted.***
- (2) That the amended procedure for Local Hearings attached at Annexe 'B' to these Minutes be approved and adopted.***

SC/16. **ANNUAL REPORT 2004/05 AND WORK PROGRAMME 2005/06**

Members considered a copy of the Annual Report of the Committee for 2004/05, which was the first Annual Report produced. In reviewing the activities in 2004/05, it also looked back to when the Committee was created in 2001 as well as forward to next year.

The Committee also considered a proposed work programme for 2005/06, which outlined the issues to be considered by the Committee at various stages throughout the year. As reported earlier in the Meeting, it was noted that the Equality and Diversity Training would now be arranged to be held in July 2005 and the work programme would be amended accordingly. It was suggested that the work programme could be included as a standard item for future agendas for ongoing review and revision, if necessary.

RESOLVED:-

- (1) That the Annual Report of the Committee for 2004/05 be approved and be submitted to Full Council.***
- (2) That the proposed work programme for 2005/06 be approved and adopted.***

SC/17. **REVIEW OF THE PROTOCOL FOR THE USE OF INFORMATION TECHNOLOGY BY MEMBERS OF THE COUNCIL**

The Committee received a copy of the current Protocol for the use of Information Technology by Members of the Council. This had been approved by Full Council on 4th November 2004 prior to the distribution of laptop computers and peripherals to Members in January 2005 to improve communication and enhance working arrangements. The Protocol had been developed following visits to three neighbouring authorities to discuss their experiences on implementing this project.

At the time that the Protocol was agreed, it was recognised that this was a document which could be reviewed and amended, if necessary, in the light of Members' experiences following the implementation of the project.

Accordingly, the opportunity had now been taken to expand Section 4 relating to use of the equipment and this proposed revised section was attached for Members' consideration. This had been circulated to all Members of the Council and any comments on the revision had been requested prior to the Meeting together with any other suggestions, alterations or amendments.

Although the current Protocol did not permit personal use of the equipment, a request had now been made for this provision which would be considered by Full Council. In this regard, a suggested section covering this use had been circulated to Members of the Committee for consideration.

It was suggested that the sentence in the introduction of the Protocol relating to the consequences of any breach could be strengthened.

RESOLVED:-

That no objections be raised to the proposed revisions to the Code, including the section covering personal use and the sentence in the introduction of the Protocol relating to the consequences of any breach be strengthened accordingly.

SC/18. **APPOINTMENTS - INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

It was reported that on 21st June 2001, Full Council had appointed three Members to the Standards Committee for a period of four years and accordingly, this period would end on 21st June 2005. At the Full Council Meeting held on 7th April 2005, Members considered a report on the recruitment of three Independent Members to fill the vacancies that would arise. There had been a vacancy since November 2004 created by the resignation of Mr. L. Taylor for health reasons.

Members received a copy of the report to the Full Council, which had approved the recommendations relating to the recruitment of three Independent Members. It was intended that advertisements would be placed within the next two weeks. Members of the Council had expressed their gratitude to the Independent Members who had served on the Committee since June 2001.

RESOLVED:-

That the forthcoming process to appoint three Independent Members to the Committee be noted.

D. R. WILLIAMS

CHAIR

The Meeting terminated at 6.30p.m.