

STANDARDS COMMITTEE

MONDAY, 24 MARCH 2014

PRESENT:- Councillor David Wood (Chair), Councillors Roderick Bluh, Michael Bray, Brian Ford, Fay Howard, Teresa Page, Mr Trevor Davies, Mr Mike Compton, Mr Paul Morris and Mr Peter Morgans.

Apologies for absence were received from Mr David Dawson and Mr Richard Hailstone.

24. Declarations of Interest

The Chair reminded members of the need to declare any known interests in any matters to be considered at the meeting. No declarations of interest were made.

25. Minutes

Resolved – That the minutes of the meeting of the Committee held on 27th January, 2014, be confirmed and signed.

26. Public Question Time

Ms Claire Bouverie-Brine, a local resident, asked a question regarding the process used by the Council to deal with a request she had made for a member complaint to be re-opened. The Chair and the Monitoring Officer responded. In response to a request by Ms Bouverie-Brine, the chair agreed to confirm his response in writing on receipt of a note from Ms Bouverie-Brine setting out the detail of her question.

Ms Carole Bent, a local resident, asked a question regarding the process of determining the complaint referred to by Ms Bouverie-Brine. The Chair and the Monitoring Officer responded.

Ms Kareen Boyd, a local resident, asked a question regarding the timeframe for determining outstanding Code of Conduct complaints. The Chair agreed to provide a written response when he was able to but reminded Ms Boyd of the confidential nature of code of conduct complaints.

Ms Martha Parry, a local resident, also asked a question regarding the timeframe for determining outstanding Code of Conduct complaints and the timeframe for the determination of Code of Conduct complaints generally. The Chair responded to Ms Parry's question.

The Monitoring Officer responded to a question from the public gallery regarding the availability of information relating to Standards Committee decisions in relation to Code of Conduct complaints.

27. Exempt Items - Exclusion of Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the

public be excluded during the discussion of the matters referred to in the items listed below on the grounds that they involve the likely disclosure of exempt information as defined in the respective paragraphs of Part 1 of Schedule 12A of the Act.

<u>Item No.</u>	<u>Paragraph No.</u>	<u>Minute No.</u>
7	1 and 2	29

28. Independent Review of the Council's Standards Arrangements

Further to Minute 8, the Committee received Hoey Ainscough Associates Ltd's report of their independent review of the Council's procedures for handling complaints that members may have breached the Council's Code of Conduct.

Mr Paul Hoey presented the report to the meeting, providing some background to the new arrangements that came into effect from July 2012, in response to the provisions of the Localism Act 2011, and outlining the criteria for a successful standards process that had been used as the basis for the review. He summarised the reasons for undertaking the review at this time and the process used to carry out the review, including details of the various interested parties that were consulted as part of the process.

Mr Hoey commented that consultation with a broad base of interested parties had been invaluable to the successful outcome of the review and that, whilst all the groups had approached the issue from different perspectives, the following common concerns had been evident:

- the occurrence of delays under the current arrangements
- the lack of transparency and a failure to communicate what was happening, or had happened
- the possibility of the process being used politically and therefore needing to be more independent from the Council.

Mr Hoey took the meeting through the phases of the Code of Conduct complaints process, placing these in the context of the common concerns identified by consultees (as outlined above), and provided some detail to the various recommendations that had formed the basis of the proposed revised arrangements for dealing with member code of conduct complaints (attached at Appendix 1 to the report) and which would support the proposed revised process.

M Hoey commented that all the parties consulted had shown a commitment to the local community and had recognised that a high standard of conduct by its elected representatives was important. He felt that the Council's current arrangements were typical of those used by other councils, exhibiting some elements of good practice but with a need to make the process quicker, provide a greater reassurance that the process is as independent as it can be, and ensure that all the parties to a case understand process and are kept better informed of how cases are progressing. Mr Hoey was confident that if the report recommendations were adopted by the Council, the revised process would meet these objectives.

Following the presentation of the review report, and the Committee's consideration of the Monitoring Officer's initial comments on the report's findings, the comments

and observations of members and interested parties were sought (the various Issues raised by members and interested parties are summarised in Appendix 1 to the minutes).

Resolved – (1) That Mr Paul Hoey and Ms Natalie Ainscough (Hoey Ainscough Associates Ltd) be congratulated on their production of a comprehensive and easily accessible review report and thanked for attending the meeting to present their findings and recommendations.

(2) That the Committee broadly accepts the key recommendations of the report, as set out in Appendix B of the report, but agrees that a further debate of these, in the context of the various matters raised by members and interested parties during the course of the Committee's consideration of the Independent Review report (Appendix 1 refers), be arranged, with a view to a recommendations being made to the first meeting of the Committee in the new Municipal Year on the adoption of revised arrangements for dealing with member code of conduct complaints.

29. Ethical Compliance Report

The Committee considered a report of the Director of Law and Democratic Services regarding the outcome of various ethical framework compliance matters, including the details of Whistleblowing cases received since the last Committee and the outcome of any completed investigations in relation to these, and the details of Code of Conduct Complaints received since the last meeting.

Resolved – That the Ethical Framework Compliance report be noted.

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Agenda Item No. 5

Issues raised by members and interested parties during the Committee's consideration of the Independent Review of the Council's Standards Arrangements

- the perception that the Standards Committee needed to be more independent of the Council
- the importance of minimising the timescale for dealing with code of conduct complaints
- the need for transparency in the complaints process
- the non-voting position of non-elected members on the Standards Committee and its Panels
- the potential delay in member involvement in the proposed revised process
- the communication of information to the parties involved in each case
- the introduction of, and adherence to, specific timeframes for conducting formal investigations
- the availability and appropriateness of training for members of the Standards Committee
 - the case for such training being mandatory
- the future review of any revised arrangements that might be introduced
- the enhanced role of the Independent Person in the proposed process
- the absence of any right of appeal
- the publicising of decisions made in relation to code of conduct complaints
- the feasibility of scheduling of meetings and extending the pool of members that can be drawn upon
- the exclusion of the complainant and the respondent from the initial stages of the complaints process
- the communication of decisions to the interested parties
- the availability of appropriate guidance for persons submitting complaints
- the supporting role of the Independent Person in the initial stages of the proposed revised process
- the existing and proposed sanctions following standards hearings, where further action is considered necessary
- the application to the process of the principles for public life established in the Localism Act 2011
- the Council's progressive and non-partisan approach to standards issues
- the forum for consideration of code of conduct complaints and whether this should engage the entire Standards Committee
- the current role of the Monitoring Officer in relation to the complaints process and the proposal that the Monitoring Officer should be responsible for the initial determination as to whether further action is required
- the confidentiality of the "decision-making process" in relation to code of conduct and the publicising of decisions
- the availability of a simple flowchart to explain the decision-making process