

MINUTES OF THE STANDARDS COMMITTEE

30 JULY 2008

Present:

Councillors:

T.W. Crabb

E. O'Hara

G.F. Trussler

Independent members:

Mr M. Litvak (Chairman)

Miss Sue Faulkner (Vice-Chairman)

Also in attendance Councillor J.D. Packman, Leader of the Council, and at the invitation of the Committee took part in the discussion of minute nos 257/08 and 258/08

Apologies: Councillor Mrs J.M. Pinkerton

255/08 MINUTES

The Minutes of the meeting held on 7 February 2008 were approved as a correct record.

256/08 DISCLOSURE OF INTERESTS

No disclosures were made.

257/08 ANNUAL LETTER – LOCAL GOVERNMENT OMBUDSMAN

The Committee discussed the annual letter from the Local Government Ombudsman. The letter summarised the complaints received by the Ombudsman in relation to this Council together with the outcomes of each complaint and statistical data covering a three-year period. In considering the letter the Committee noted that due to a continuous low level of complaints for this authority it was not possible from the information provided by the Ombudsman to draw any conclusions for possible service improvements.

RESOLVED to note the continuous success of the Council to receive a low level of complaints and that the report from the Local Government Ombudsman together with a covering letter from the Chairman be sent to all Members and Management Team.

258/08 NEW LOCAL ASSESSMENT FRAMEWORK

The Committee discussed with the Monitoring Officer a report on proposed revised arrangements and procedures to comply with the new ethical standards framework introduced by the Local Government and Public Involvement in Health Act 2007 and associated regulations. This included changes need to the Constitution to meet the requirements of the new ethical framework.

The committee discussed the need to establish three sub committees with the possible terms of reference as set out below:

Standards (Assessment) Sub Committee – To make initial assessments of allegations of misconduct by Borough Councillors.

Standards (Review) Sub Committee – At the request of a complainant, to review any decision of the Standards (Assessment) Sub Committee to take no action in relation to an allegation of misconduct by Borough Councillors.

Standards (Determination) Sub Committee – To determine complaints about the conduct of Borough Councillors and, where appropriate, to impose sanctions.

It was noted that a member who served on the initial Assessment Sub Committee could not serve on the Review Sub Committee but could serve on the Determination Sub Committee. Members who had served on the Initial Assessment Sub Committee and members who had served on the Review Sub Committee could serve on the Determination Sub Committee.

Consideration was given to the requirements of the new regulations that for any sub committee to be valid at least three members of the Standards Committee must be present throughout. These three members must include an Independent member who would act as Chairman. Discussion continued on how the appointments to the sub committees could be made and it was felt that the Monitoring Officer in consultation with the Chairman be authorised to appoint members from the main committee as and when required.

In addition discussion took place on the requirement of the new regulations to have a member of the Executive appointed onto the Standards Committee and whether this should be a replacement member or to increase the membership of the current committee by one.

The committee discussed with the Monitoring Officer the need to prepare detailed procedures for hearings and investigations which it was felt could follow the guidance being published by the Standards Board for England and submitted to the next meeting of the committee for consideration. Whilst the procedures were being drawn up for consideration by the Committee an interim procedure was needed in the event that an allegation was received. The Committee indicated support for authority to be given to the Monitoring Officer in consultation with the Chairman to determine all necessary arrangements and procedures in accordance with statutory requirements.

In support of the new arrangements the Monitoring Officer discussed with the committee the previous training arranged for members on the Code of Conduct for Members which was revised on 1 October 2007. The Chairman expressed concern that some members had not attended this training.

With the future appointment of an Executive member onto the Standards Committee consideration was given to whether the member should be invited to attend the Standards Board for England annual assembly taking place in October 2008 and the committee indicated their support to this.

The Leader of the Council in taking part in the discussion indicated that he would advise the Monitoring Officer of which Executive member would be put forward for the appointment onto the Standards Committee.

RESOLVED:

(A) To recommend to Council that

1. Article 9 and other consequential changes to the Constitution be made:

- (i) To increase the size of the committee from 7 to 8 to enable a member of the Executive to be appointed on to the Standards Committee, with the current members continuing to serve on the committee;
- (ii) To establish the following three sub committees to assess, review and determine complaints against councillors under the Code of Conduct

Standards (Assessment) Sub Committee – To make initial assessments of allegations of misconduct by Borough Councillors.

Standards (Review) Sub Committee – At the request of a complainant, to review any decision of the Standards (Assessment) Sub Committee to take no action in relation to an allegation of misconduct by Borough Councillors.

Standards (Determination) Sub Committee – To determine complaints about the conduct of Borough Councillors and, where appropriate, to impose sanctions.

- (iii) All members of the Standards Committee be eligible to serve on a sub committee and delegated authority be given to the Monitoring Officer, in consultation with the Chairman of the Standards Committee, to select members in accordance with the regulations to serve on the three sub committees on a case by case basis; and
- (iv) Any sub committee must be chaired by an Independent member and at least three members must be present at any meeting, including at least one borough councillor but preferably two.

(B) RESOLVED that pending the adoption of revised procedures for dealing with complaints and hearings, the Monitoring Officer in consultation with the Chairman of the Standards Committee be delegated the authority to determine all arrangements and procedures for dealing with the assessment, investigation and determination of complaints of misconduct allegations in accordance with statutory requirements on a case by case basis.