

## STANDARDS COMMITTEE

10.00 A.M.

18TH JUNE 2009

**PRESENT:-** Councillors Roger Dennison, Sheila Denwood, Sarah Fishwick, Janie Kirkman, Ian McCulloch, Roger Sherlock and Joyce Taylor.

Independent Members Stephen Lamley (Chairman), Tony James, David Jordison and Sue McIntyre

Parish Council Representatives Paul Gardner and Susan O'Brien

### Apologies for Absence

Parish Council Representative Frank Senior

### Officers in attendance:-

Sarah Taylor                      Head of Legal and Human Resources and  
Monitoring Officer  
Senior Democratic Support Officer

## **1 ELECTION OF VICE CHAIRMAN FOR THE MUNICIPAL YEAR 2009/10**

It was proposed by Councillor Denwood and seconded by Councillor Fishwick that Tony James be appointed Vice-Chairman for the Municipal Year 2009/10.

There being no further nominations the Chairman declared Tony James appointed.

### ***Resolved:***

That Tony James be appointed Vice-Chairman of the Standards Committee for the Municipal Year.

## **2 MINUTES**

The Minutes of the meeting held on 9<sup>th</sup> April, 2009 were agreed as a true and accurate record.

## **3 DECLARATIONS OF INTEREST**

There were none.

## **4 WORK PROGRAMME**

The Monitoring Officer submitted a report detailing progress on the Committee's work programme for 2009. The Committee was advised that there had been no further consultation on the proposed revised Code of Conduct and the internal ethical governance survey had yet to be undertaken. The remaining items on the programme were included in the agenda for the meeting.

The Monitoring Officer also reported that arrangements were in hand to undertake training on the Code of Conduct for the new Morecambe Parish Council and any other parish councillors who may wish to attend.

***Resolved:***

That the work programme be noted.

**5 STANDARDS BOARD FOR ENGLAND - ANNUAL RETURN**

The Monitoring Officer reported that since the implementation of the new regime for the consideration of Code of Conduct complaints she had been required to complete a quarterly statistical return to the Standards Board. The Standards Board had now introduced an annual return for completion providing additional information on the work of the Standards Committee during the preceding year. A copy of the first such return was attached to the report for the information of the Committee.

Arising out of the details contained in the return a discussion ensued around publicity informing the public on how to register a complaint against a member of the council.

Furthermore there was reference in the return to the Officer Code of Conduct and whilst the Committee held no responsibility in this regard members did feel that it would be of benefit to have sight of the document.

***Resolved:***

- (1) That a small article be placed in every copy of "Your District Matters" advising the public of the procedure to register a complaint.
- (2) That a link to the Officer Code of Conduct be provided to each member of the Committee.
- (3) That the report be noted.

**6 THE STANDARDS COMMITTEE (FURTHER PROVISIONS) (ENGLAND) REGULATIONS 2009**

The Monitoring Officer reported that new Regulations were made on the 18<sup>th</sup> May 2009, and came into force on the 15<sup>th</sup> June, 2009. The Regulations covered three areas: they enable the Standards Board for England to suspend a local authority standards committee's power to undertake initial assessment on allegations of misconduct, make provision for two or more local authorities to establish a joint standards committee, and replaced the existing provisions relating to dispensations.

The report expanded on the three elements contained in the new Regulations. However, the Monitoring Officer pointed out that when the Standards Committee, as part of various consultation exercises, had previously considered the option of a Joint Standards Committee Members did not feel it desirable given the principle of local assessment of complaints. Guidance on Joint Standards Committees had not yet been issued.

In relation to dispensations the Regulations revoke the previous dispensation regulations and replaced them with similar but clearer provisions.

The circumstance where a Standards Committee may grant dispensation to a member or co-opted member were now:

- where more than 50% of the members who would, but for the granting of any dispensations in relation to that business, be entitled to vote at a meeting, are prohibited from voting; or
- where the number of members that are prohibited from voting at a meeting would, but for the granting of any dispensation in relation to that business, upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

Any request for dispensation must be submitted in writing to the Standards Committee.

A copy of the Regulations was attached to the report.

***Resolved:***

That the report be noted.

## **7 STANDARDS BOARD GUIDANCE ON OTHER ACTION**

The Monitoring Officer reported that when an Assessment Sub-Committee considers a complaint the options open to it are to take no action, to refer the matter to the Standards Board or to refer the matter to the Monitoring Officer. If the Sub-Committee refers a complaint to the Monitoring officer it can direct the Monitoring Officer to investigate the matter or to take steps other than carrying out an investigation. This was known as "other action".

The Standards Board had recently issued new Guidance for Standards Committees on "other action" a copy of which was appended to the report.

In the light of the new guidance the Monitoring Officer suggested that the Committee may wish to amend its Assessment Criteria for "other action" and attached to her report possible amendments which could be considered.

***Resolved:***

- (1) That the Committee welcome the Guidance on "other action".
- (2) That in line with the Guidance and the report of the Monitoring Officer the Assessment Criteria be amended as per Appendix 2 of the report.

## **8 ANNUAL REVIEW OF REGISTRATION OF INTERESTS**

Members received a report outlining the Monitoring Officer's practice to undertake an annual review of the registration of member interests. Accordingly a letter had been sent to all Members of the City Council in April reminding them of the need to register any changes and requesting either a signed declaration to the effect that there had been no change or the return of a completed "change" form. By the end of May fifteen application

forms had been returned. However, the Monitoring Officer was aware that some appointments would be made at the June meetings of Cabinet and Scrutiny. Therefore some councillors would be awaiting these appointments before responding.

An update of the current level of replies was given at the meeting, twenty five having now been received.

The Monitoring Officer had also written to all clerks to parish councils in the district asking them to remind their members of the requirement to maintain accurate register entries of their personal interests.

***Resolved:***

That the report be noted.

**9 PROCEDURE FOR CONSIDERING ALLEGATIONS OF BREACH OF THE COUNCIL'S PROTOCOLS**

The Monitoring Officer submitted a report indicating that to supplement the Code of Conduct the Council had a number of Protocols, namely Planning, Member/Officer relations and Publicity for Allegations of breach of the Code of Conduct.

The Terms of Reference for the Committee included dealing with allegations of breach of the Protocols. However, as they do not form part of the Code of Conduct any breach does not therefore constitute a breach of the Code of Conduct, and the statutory assessment procedure does not apply. The Protocols are mainly for internal use and therefore any complaint was likely to be made by a Member of the Council rather than a member of the public. Over recent years only one complaint had been received relating to a breach of a Protocol.

The Committee resolved in June 2008 to continue with the practice of the Monitoring Officer investigating all allegations of breach of Protocol. As the statutory assessment procedure could not apply to such complaints it was felt inappropriate to introduce a non-statutory filtering process. The Committee had requested that this be reviewed after twelve months. However, no complaints of breach of Protocol had been received within that period.

The report explored the options available to the Committee and concluded that, in view of the infrequency of Protocol complaints to date, it would be preferable to continue as at present with the Monitoring Officer investigating any complaint received and any subsequent report being considered in accordance with the investigation, pre-hearing and hearing procedures.

***Resolved:***

That the reported be noted and the current procedure be maintained.

**10 REVIEW OF COMPLAINT DOCUMENTATION AND ASSESSMENT CRITERIA AND INVESTIGATION AND HEARING PROCEDURES**

The Monitoring Officer advised the Committee that the current procedures and documentation for dealing with the new regime for Code of Conduct complaints had

been approved in May and June 2008. Having been in place for a year it seemed appropriate for the Committee to review the process.

The Monitoring Officer therefore attached to her report the following documents:

Complaint Form;  
Guidance for Complainants;  
Assessment Procedure and Criteria;  
Investigation procedure;  
Pre-hearing Procedure (including Forms A-D); and  
Hearing Procedure.

Slight amendments had been made to the documentation, during the year, with the agreement of the Committee, following experience of the use of some of documents such as the complaint form. An amendment to the Assessment Criteria had been made earlier at this meeting, Minute 7 (2) refers.

***Resolved:***

- (1) That a statement be included in the introduction of the complaints form indicating that guidance on completing the form was attached.
- (2) That the section on "other action" in the guidance be amended to emphasise that a referral for "other action" is not a finding of breach of the Code of Conduct.
- (3) That the Monitoring Officer be requested to consider an amendment to B1 of the Assessment Criteria, removing the reference to "cost", and to report back to a future meeting of the Committee.
- (4) That the complaints documentation and procedure be kept under review from time to time.

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Chairman

(The meeting ended at 10.45 a.m.)

**Any queries regarding these Minutes, please contact  
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