

STANDARDS COMMITTEE

2.00 P.M.

6TH MAY, 2004

PRESENT: - Independent Membership

Mr. S. Lamley (Chairman)
Mr. S. Clarke
Mrs. F. Humphreys

Council Membership

Councillors J. Ravetz (Vice-Chairman), E. Archer, J. Harrison (substitute for Councillor P. Gardner), D. Kerr, J. R. Mace and P. M. Quinton (substitute for Councillor J. E. Kirkman).

Officers in attendance:

Corporate Director (Central Services)/Monitoring Officer
Head of Legal Services
S. Metcalfe – Senior Democratic Support Officer

Apologies for absence: -

Councillors P. Gardner, E. Heath, D. Kerr, J. E. Kirkman and Brigadier J. Dennis.

15 MINUTES

The Minutes of the meeting held on the 21st November, 2003 were signed by the Chairman as a correct record.

After considering the Minutes of the previous meeting the Chairman, referring to resolution (3) of Minute 11 (Local Determination Hearing Procedures (Section 66)) requested an update on the position regarding the Consultation Paper upon indemnities. The meeting was advised that the outcome of the Consultation Paper was awaited and that a report would be provided upon this matter once a decision had been taken.

It was noted that a training session had been arranged which Members had found to be good. However, it was noted that Councillor Archer had not received an invitation. The Corporate Director (Central Services) advised that he would arrange for this matter to be investigated to ensure that all Members of the Committee were invited to future sessions.

Referring to resolution (3), Minute 12 (Local Protocols), the Chairman queried whether this matter had been approved by full Council for inclusion in the City Council's Constitution. The Corporate Director (Central Services) advised that full Council had partially approved the recommendations, and explained the reasons for the partial approval. This meant that no Protocol was in place at the present time. Members agreed to note the oral report of the Corporate Director and that a report upon this matter be placed on the Agenda for the next meeting of the Committee.

It was noted that with regard to Minutes 13 (Standards Board Case Referrals 2003/04) and 14 (2003 Annual Assembly of Standards Committees) these were included upon the Agenda and could be considered later in the meeting.

16 CONSULTATION ON LOCAL INVESTIGATIONS

The Corporate Director (Central Services) presented a report, which advised the Committee of two Consultation Papers from the Office of the Deputy Prime Minister (ODPM) and the Standards Board, and enabled the Committee to consider whether or not to respond to the consultation.

It was noted that the Office of the Deputy Prime Minister and the Standards Board for England were currently consulting on proposed Regulations and Guidance, which would enable the Standards Board to refer complaints of Member misconduct to the local authority's Monitoring Officer before investigation, so that it would be the Monitoring Officer's responsibility to arrange for the local investigation of the complaint, and for the matter to be reported to the Standards Committee for determination.

Members were informed that at present, matters could only be referred for local determination after an Ethical Standards Officer at the Standards Board for England had completed an investigation and concluded that there had been a breach of the Code of Conduct, and that the matter was of a level of gravity which could be dealt with appropriately within the Standard's Committee's maximum sanction of three months' suspension.

Once the proposed Regulations and Guidance were in place, it was anticipated that the Standards Board would refer for local investigation the majority of cases, which appeared to be of a gravity, which was appropriate for local determination.

With regard to Appendix 1 to the report, page 9/4, Members agreed the following for inclusion as the City Council's submission: -

- That with regard to issue (1) that the investigative powers proposed for Monitoring Officers are necessary and sufficient;
- That with regard to issue (2) that the Committee considered that the powers proposed for Standards Committees to consider reports referred to them by Monitoring Officers are necessary and sufficient;
- That with regard to issue (3) that all cases investigated by the Monitoring Officer should be referred to the Standards Committee;
- That with regard to issue (4) that Monitoring Officers should be able to refer cases back to the Ethical Standards Officer (ESO) and that in particular this should be the case where more evidence came to light suggesting that the complaint was more serious than first thought;
- That with regard to issue (5) the Committee considered that the balance between the actions required of Monitoring Officers under the proposed Regulations and Guidance was appropriate;
- With regard to Question (4), Appendix 1, page 9/17, Members agreed that the following should be submitted as the City Council's view: -
 - That the finding and reasoning should be contained in the final report only, and not in the draft.

It was agreed that the Monitoring Officer, after consultation with the Chairman, be authorised to respond in these terms on behalf of the City Council to the Office of the Deputy Prime Minister (ODPM) and the Standards Board for England.

Resolved: -

- (1) That the Monitoring Officer, after consultation with the Chairman, be authorised to respond on behalf of the City Council to the Office of the Deputy Prime Minister (ODPM), as set out below:-

- That with regard to issue (1) that the investigative powers proposed for Monitoring Officers are necessary and sufficient;
- That with regard to issue (2) that the Committee considered that the powers proposed for Standards Committees to consider reports referred to them by Monitoring Officers are necessary and sufficient;
- That with regard to issue (3) that all cases investigated by the Monitoring Officer should be referred to the Standards Committee;
- That with regard to issue (4) that Monitoring Officers should be able to refer cases back to the Ethical Standards Officer (ESO) and that in particular this should be the case where more evidence came to light suggesting that the complaint was more serious than first thought;
- That with regard to issue (5) the Committee considered that the balance between the actions required of Monitoring Officers under the proposed Regulations and Guidance was appropriate.

(2) That the Monitoring Officer, after consultation with the Chairman, be authorised to respond on behalf of the City Council to the Standards Board for England, as set out below:

- That with regard to question 4, the finding and reasoning should be contained in the final report only and not in the draft.

17 PREAMBLE TO THE CODE OF CONDUCT

The Corporate Director (Central Services) presented a report, which sought Members' consideration of a draft Preamble to the Code of Conduct, following discussions at the previous meeting of the Committee. It was recalled that at the last meeting of the Committee, there was a lengthy debate on a proposal moved by Councillor Heath to amend the Council's Code of Conduct by adding a new obligation for Members to have regard to the interests of the whole community.

It had been agreed that the Chairman would discuss further with Councillor Heath, the possibility of a new provision regarding the interests of the whole local community being included as a preamble to the Code of Conduct, or elsewhere within the Constitution, and that this would be considered by the Committee at a future meeting. (Minute 13(2) refers).

Following the meeting, officers sought advice from the Standards Board for England on the possible contents of a preamble, and on the basis of that advice, the document appended to the report was drafted for Members' consideration.

Should the Committee be minded to approve the draft Preamble in the form attached to the report, officers were satisfied that the Standards Board would not object to its contents.

It was noted that Councillor Heath was not in attendance at the meeting and in view of this it was moved by Councillor J. R. Mace and seconded by Councillor D. Kerr: -

"That this matter be deferred to the next meeting of the Committee."

Resolved: -

That this matter be deferred to the next meeting of the Committee.

18 STANDARDS BOARD CASE REFERRALS 2003/04

The Corporate Director (Central Services) submitted a report that updated the Committee on both the national and local position of the Standards Board workload.

The statistics of the Standards Board caseload for the first two years were now available, and showed that a total of 6,514 cases had been referred to the Standards Board. In the 12-month period since April 2003, the Board had received 3,566 cases of alleged breaches of the Code of Conduct. This was an increase from 2002/03 of 21%. An analysis of the allegations for 2003/04 were attached as an Appendix to the report. These were summarised as follows: -

Complaints received April 2003 – March 2004	3,566	
Complaints passed to investigator	1,212	(34%)

49% of those received were in respect of Parish Councils. The nature of the allegations received was broadly split and this was included within the Appendix to the report.

Members were advised it seemed that the procedures were becoming well known outside Councils in that 51% of the allegations were made by members of the public.

Of the completed investigations in 2003/04, only 12% or 145 cases were referred to the Adjudication Panel for determination.

Locally, the Standards Board had received a total of 32 allegations of misconduct in respect of City and Parish Councillors. A summary of the position was provided as set out below: -

	City	Parish
Allegations Received	23	9
Proceed to Investigation	15	6
Resolved to Date	13	6
- No breach	7	--
- Breach but No Action Required	5	6
- Breach Referred to Adjudication Panel	1	--

Members were informed that there were currently two cases being investigated by Ethical Standards Officers (ESOs).

With regard to page 15/2 of the Appendix to the report, Members requested the Monitoring Officer to advise whether the complaints regarding Parish Councillors were from members of the public or from other Parish Councillors. The Monitoring Officer informed the meeting that this information was not readily available, however, he would request the Standards Board to provide this analysis and would submit this to Members once provided.

Members also requested that training be considered at the next meeting of the Committee.

Resolved: -

- (1) That the report be noted.
- (2) That details of the complaints relating to Parish Councillors, as requested at the meeting, be submitted to Members of the Committee once provided by the Standards Board.
- (3) That training be considered at the next meeting of the Committee.

19 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 2004

Referring to Minute 14, the Corporate Director (Central Services) presented a report, which sought the Committee's approval for Council representation at the 2004 Annual Assembly of Standards Committees.

The Committee was informed that the delegate fee for the two-day Conference was £380 inclusive of VAT. Hotel accommodation ranged from £75 to £129 per delegate per night and the cost of a standard class return rail fair was £64 per person.

In both previous years the Chairman and the Monitoring Officer had attended and in the first year when there was no delegate fee, a Parish Council representative was also nominated to attend (although subsequently had to cancel).

The Committee was asked to agree their preferred nominations to attend the Conference.

It was moved by Councillor D. Kerr and seconded by Councillor J. Harrison: -

"That the Chairman and the Monitoring Officer attend the Annual Assembly and that if the Chairman is unable to attend that the Vice-Chairman attends in his place."

Resolved: -

That the Chairman and the Monitoring Officer attend the Annual Assembly and that if the Chairman is unable to attend that the Vice-Chairman attends in his place.

20 GUIDANCE RECEIVED FROM THE STANDARDS BOARD

The Corporate Director (Central Services) submitted a report that updated the Committee on recent advice received by the Monitoring Officer regarding Declarations of Interest and also the process for seeking a review of a Standards Board referral decision.

Attached, as Appendices to the report were two letters received from the Standards Board and a copy of a letter that was sent to all Members of Council from the Monitoring Officer. The purpose of the letter was to bring to all Members' attention the Standards Board's advice and also to promote good practice on governance issues within the Council.

The advice set out in the appendices was self-explanatory and dealt with the following issues: -

- registering and declaring membership of the freemasons;
- registering and declaring membership of political party councillor associations;
- process for seeking a review of a referral decision made by the Standards Board.

Following notification of the advice, many Councillors had requested amendments to their personal declarations.

Members requested that when Members of the Council were provided with guidance of this nature the independent members of the Committee be also circulated with this documentation.

It was moved by Councillor D. Kerr and seconded by Mrs. F. Humphreys: -

"That the recommendations, as set out in the report, be approved, subject to the inclusion that the independent members of the Committee be also provided with documentation of this nature at the same time as Members of the Council."

Resolved: -

- (1) That the advice of the Standards Board be noted.
- (2) That the action of the Monitoring Officer be noted.
- (3) That the independent members of the Committee be also provided with documentation of this nature at the same time as Members of the Council.

.....
Chairman

(The meeting closed at 3.04 p.m.)

**Any queries regarding these Minutes, please contact
Stephen Metcalfe, Senior Democratic Support Officer,
on Lancaster 582073, or alternatively e-mail
SMetcalfe@lancaster.gov.uk**