

# Standards Committee

Wednesday 10 March 2010

## PRESENT:

Mr Pearce (Independent Member), in the Chair.  
Councillors Mrs Aspinall, Gordon, Dr. Mahony and Mrs Stephens.

Co-opted Representatives: Mr Roy Campbell, Mr Malcolm Haggart and Mr John Williams

Apologies for absence: Councillor Mrs Bragg and Mr Craig Duncan and Ms Corinne Farrell

The meeting started at 10.00 am and finished at 11.45 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 10. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

## 11. MINUTES

Resolved that the minutes of the meeting held on 9 December 2009 be approved subject to the following changes:

Minute 5 'Process for Dealing with Standards Review Hearings' (ii) and (iii) are to read –

5(ii) 'On an occasion that a Standards Assessment Sub Committee resolve to instruct an officer to undertake an investigation of a complaint, there was currently no specification or clarification from Standards for England where the investigation should be submitted for determination. Therefore a Hearings Consideration Sub Committee was to be held in order for selected members to consider if the investigation report identified if there was a breach of the code; if no breach was found to have been committed this would be the end of the process. However if a breach was found the process would move to the first stage of the Standards Hearing Sub Committee in which a pre hearing was to be held;

5(iii) at a pre-hearing Members could resolve issues such as what areas of fact were in dispute, timings, and if witness statements were required;

In response to questions raised under this agenda item it was reported that –

- (i) with reference to minute 5, the 'Process for Dealing with Standards Review Hearings', the Assistant Director for Democracy and Governance would provide committee members with a flow chart clarifying the procedure for Standards Review Hearings;
- (ii) with reference to the resolution of minute 6 'Update on Matters dealt with by the Assessment and Review Sub Committees', the Assistant Director for Democracy and Governance would send a letter to Members outlining the work of the Standards Committee and the increase in numbers of complaints received;
- (iii) with reference to the minute 6 'Update on Matters dealt with by the Assessment and Review Sub Committees' an annual report would be submitted to City Council;
- (iv) it would be identified who was to provide members with further training upon ombudsman complaints and when these training sessions were to take place.

Under this agenda item the Head of Legal Services provided an update on the 'application for an exemption in relation to a post being placed in the list of politically restricted posts'. The Committee was informed that legislation had changed and this issue was still being addressed by the Legal Department with the Human Resources Department.

## 12. **CHAIR'S URGENT BUSINESS**

The Head of Legal Services informed the Committee that there were three items of Chair's Urgent Business to be considered, regarding a Local Government Group Conference that took place in February, the scheduled Ethical Governance workshop that was due to take on 17 March 2010 and a recent article in the Municipal Journal.

**Local Government Group Conference** – At this event, held on 10 February 2010, delegates (which included Head of Legal Services) were advised that on 9 February the Department for Communities and Local Government had announced it did not intend to implement a revised Code of Conduct for Members (addressing outstanding private life issues) or a Code of Conduct for Officers before the General Election.

**Ethical Governance Workshop** – Due to the non-availability of so many Members, the workshop arranged by Head of Legal Services in partnership with Audit Commission would not now be taking place on 17 March 2010. This would be re-scheduled after the election.

**Municipal Journal Article** – Head of Legal Services took the Committee through the article entitled 'The New Framework is Working' written by Chief Executive of Standards for England. The article addressed what issues the Board considered needed to be addressed in taking the framework forward following an extensive review period – a copy of article was to be circulated to all Committee Members.

Under this agenda item the Chair congratulated Councillor Aspinall on her appointment as Lord Mayor, thanked Malcolm Haggart for his engagement in the Standards Committee as it was expected that this would be his last meeting and thanked members for their attendance at the increased number of Standards Assessment Sub Committees.

13. **OMBUDSMAN REPORTS**

There were no updates upon Ombudsman reports.

14. **TERMS OF REFERENCE - STANDARDS HEARING SUB COMMITTEE**

The Head of Legal Services provided the Committee with an update on terms of reference for the Standards Hearing Sub Committee.

The Committee was informed that –

- (i) the current terms of reference for the Standards Hearing Sub Committee agreed at the 28 July 2008 City Council meeting stated that ‘Membership of the Hearings Sub-Committee was to comprise a minimum of five members of the Standards Committee’ and that ‘none of the members of the Hearings Sub-Committee, as far as possible, shall have dealt with the particular complaint previously, at either the Assessment or Review Sub-Committee’;
- (ii) due to problems experienced when trying to arrange the first Standards Hearing Sub Committee, it was considered beneficial for the terms of reference to be amended so that Members who sat on either a Standards Assessment Sub Committee or Standards Review Sub Committee would be able to sit on a Standards Hearing Sub Committee, and that the quorum for the meeting be reduced from five members to three;

The Committee made the following comments –

- (iii) the Standards Committee had an obligation to ensure that those for whom allegations of Code of Conduct breach had been made had a right for their case to be determined by a fair and unbiased panel;
- (iv) the terms of reference for the Standards Hearing Sub Committee should either have a membership of five members, consisting of a majority of members that had not heard the case before, or for the membership to reduce to three with the condition that the whole panel had not heard the case before;
- (v) there were concerns that if the Standards Committee deviated from the guidance of the Standards for England the Committee’s authority may be challenged;

- (vi) the terms of reference for the Standards Hearing Sub Committee should state a panel membership of five however include a quorum of three;

In response to questions raised it was reported that –

- (vii) if the panel resolved to change the Standards Hearing Sub Committee terms of reference it would reflect guidance from Standards for England;
- (viii) the Head of Legal Services considered it was far more practicable to have a quorum of three however verified that officers would aim for five members to sit on a Standards Hearing; he also confirmed that he did not consider a panel to be biased or prejudiced if members had previously sat in either a Standards Assessment or Review Sub Committee as this was in accordance with guidance from Standards for England;
- (ix) it was not considered that political balance was necessary to the membership of the Standards Hearing Sub Committee, however it was stated that wherever possible officers tried to ensure political balance in order to mitigate against possible allegations of bias;

Recommended to Council that the terms of reference for the Standards Hearing Sub Committee be amended to read the following:

Membership of the Hearings Sub Committee is to comprise, where possible, five members from the Standards Committee and have a quorum of three members. The Chair will be an independent member of the Standards Committee. In line with guidance from Standards for England, members who previously sat on the Assessment or Review Sub Committee of the same complaint are able to sit on the Standards Hearing Sub Committee.

## 15. **OVERVIEW OF CASES DEALT WITH BY THE STANDARDS ASSESSMENT SUB COMMITTEE**

The Head of Legal Services provided the Committee with an update on an overview of cases dealt with by the Standards Assessment and Review Sub Committee in the previous 12 month period;

The Committee was informed that –

- (i) there had been more than 600% increase in cases dealt with by the Standards Committee (rising from 5 to 30);
- (ii) following considerable efforts in the past 12 months by the Committee Members and Officers there were currently five live cases to be considered; bringing the caseload back in line with figures from last year;

- (iii) there were limited resources to deal with complaints submitted to the Committee;

In response to questions raised it was reported that –

- (iv) the Chair of the Standards Committee and the Assistant Director for Democracy and Governance had met with the leaders and chief whips for the Conservative and Labour groups and informed them of the work of the Standards Committee and the increase in the number of tit for tat complaints which had caused concern;
- (v) statistics were not held with regards to the of age of the complainant or where complaints had come from;
- (vi) Members should be guided on what was acceptable political banter and the consequences of crossing that line;

Resolved that the update be noted.

#### 16. **CRB CHECKS FOR MEMBERS**

The Assistant Director for Democracy and Governance provided the Committee with an update on the requirement for Members to have CRB (criminal records bureau) checks.

The Committee was informed that –

- (i) currently all but one member had completed a CRB check;
- (ii) if a CRB check was not on the Council's records for a specific individual it was to be assumed that a negative response to their CRB check had been received; in that instance, that particular individual would be restricted from sitting on specific committees that involved issues concerning social services and children's education;
- (iii) it was not a requirement for Independent Members to have CRB checks as they did not have access to children or vulnerable adults; the Assistant Director for Democracy and Governance confirmed that the Independent Chair of the Standards Committee did not require a CRB check despite having received a letter which stated it was a requirement for him to get one;
- (iv) the Council could only accept CRB checks that had been undertaken by the Council;
- (v) CRB checks had a time limit of three years;

Resolved that the report is noted.

17. **DATE AND VENUE OF NEXT MEETING**

It was noted that the date and time of the next meeting would be advised following the meeting of the City Council on 21 May, 2010.

18. **EXEMPT BUSINESS**

Resolved that, under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of confidential/exempt information as defined in paragraph 1 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

19. **APPLICATION FOR AN EXEMPTION IN RELATION TO A POST BEING PLACED ON THE LIST OF POLITICALLY RESTRICTED POSTS (E1)**

Please refer to minute 9.