

STANDARDS COMMITTEE

Meeting – 12 June 2002

Present: Councillors: Prof. Hogarth (Chairman)
Mrs Kverndal, Mr Rigby and Dr Scott.

Parish Representative: Mr Sharp

Independent Members: Mrs Babb and Mr Bowers

Apologies for Absence: Mrs Barton, Mr Mills and Mr Royston.

9. MINUTES

The minutes of the meeting of the Committee held on 27 February 2002 were confirmed as a true record and signed by the Chairman.

Arising therefrom, the Committee received a report about the training for Parish Councillors on the new Ethical Framework provided in three sessions during May. All Parishes had adopted the Code of Conduct and all but a few Councillors had signed the undertaking to observe the Code and completed notifications of financial and other interests.

10. GRANTING OF DISPENSATIONS

The Committee considered a report of the Chief Executive about regulations recently made concerning the powers of the Committee to grant dispensations. Dispensations may be granted only in circumstances where:-

- (1) The number of Members of the Authority that are prohibited from participating in the business of the Authority exceeds 50% of those Members that are entitled or are required to so participate; or
- (2) The Authority is not able to comply with any duty which applies to it under Section 15(4) of the Local Government Housing Act 1989 (ie. to provide political balance on a Committee).

The power to grant dispensations rested with the Standards Committee itself and unless the regulations were revised, this could not be delegated to a Sub-Committee, the Chairman, or an Officer. Dispensations when granted would be for a limited life not exceeding four years.

The Committee noted the possibility of a meeting of the Standards Committee being called at short notice to consider a request for a dispensation since it was most likely the dispensation would be required as a matter of urgency.

RESOLVED that the report be noted.

11. LOCAL INVESTIGATION AND DETERMINATION OF MISCONDUCT ALLEGATIONS

The Committee considered a report of the Chief Executive about a DTLR Consultation Paper issued on the role of the Committee and the Monitoring Officer in investigating and determining reported alleged breaches of the Code of Conduct. Comments had been requested to some specific questions in Section 3 of the Consultation Paper, to be made by 1 July 2002.

It had been envisaged that there would be a role for the Standards Committee in dealing with reports from the Standards Board for England or the Monitoring Officer but doubt still remained as to the role of the Committee in relation to the actual investigations. This should be clarified once regulations under Section 66 of the Local Government Act 2000 had been made but these were still awaited. The Consultation Paper set out the Government's proposals for the framework within which allegations referred by the Standards Board can be investigated and determined locally.

The Committee endorsed the Five Principles on which the proposals were based and acknowledged that these should be seen as the basis of the system:-

- The preservation of public trust in the new ethical framework
- The avoidance of duplication
- The rights of individuals against whom complaints are made

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- Appropriate and proportionate sanctions
- A recognition of the different circumstances in which referrals are made

The Committee considered that to ensure consistency, all alleged breaches should be referred to the Standards Board who would then decide as to whether any complaints should be investigated locally. Clear guidance was needed as to the monitoring Officer's responsibilities in notifying Councillors of allegations, notifying the Standards Committee and what responses are permitted to press interest. The responsibility for investigating allegations of breaches of the Code was another duty to be imposed on the Monitoring Officer.

Arising from specific points raised in the report, the Committee considered that clear guidance was required on a number of issues summarised below:-

- (a) What type of allegation is considered appropriate for local investigation?
- (b) While it would not be proper to confer additional powers on the Monitoring Officer to compel evidence, there should be a provision where the Monitoring Officer is frustrated in his/her investigations by non-co-operation, that the matter can be referred back to the Standards Board to conclude the investigation with a covering report from the Monitoring Officer.
- (c) Guidelines should be produced as to what sanctions the Standards Committee should impose in example circumstances.
- (d) Where the Ethical Standards Officer (ESO) has completed and reported on investigations, the Standards Committee should only be consulted as to the sanction and should not be entitled to reject the conclusion of the investigation. The full Standards Committee Should consider reports and not a sub-committee.
- (e) More detail is needed in relation to appeals – particularly defendant's costs and the format of the appeals. Who should clerk the Standards Committee and what is the legal role of the Monitoring Officer?
- (f) Provisions be made for the Standards Committee to be aware of any allegations concerning its District and Parish Councillors and the outcomes even where jurisdiction is reserved to the Standards Board. The District Standards Committee should have the same role re Parish Complaints.
- (g) Clear guidance was also necessary as to what is meant by "publish" in relation to minutes of meetings and at what stage can/must matters go public?

In addition the Committee added the following comments including some raised and submitted in writing by Mr Mills:

- (h) the first act of the Standards Board for England in every case notified to it, either directly or via the local authority, must be to notify the Member (copy to complainant and Monitoring Officer).
- (i) the Standards Board should provide a flow diagram to chart communications and decisions between the Board, the relevant member, the Monitoring Officer and the Standards Committee.
- (j) the guidance produced should provide for emphasis to be placed on the opportunity for an informal resolution of complaints at an early stage, to avoid proceeding to a formal investigation wherever possible.

RECOMMENDED that comments be submitted to the Standards Board for England as summarised above and referred to in the report to the Committee.

12. STANDARDS BOARD CONFERENCE

The Committee received a report from the Chairman on attendance at a Conference on Confidence in Local Democracy held by the Standards Board for England at the International Convention Centre in Birmingham on 20 May 2002.

Two major points had been stressed at the Conference. The purpose of Standards Committees was to show by their presence that the public could have confidence in the probity of their Councils, to ensure that Councils and Councillors were signed up to reasonable Codes of Conduct and to form a substantial link in the chain of events which could follow a complaint. Also, Standards Committees were not primarily to seek out miscreants and punish them but to form a body which could help the Standards Board for England to perform its tasks. They could also be of practical help in the education of local Members in accepting Codes of Conduct.

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The Conference included sessions from the Chairman and Deputy Chairman of the Standards Board, the Parliamentary Under Secretary of State for Local Government and the Regions, and Peter Riddell a correspondent of the Times.. The report also contained a note of the workshop sessions on the role of the Standards Committees and answers to a number of frequently asked questions.

RESOLVED that the report be noted.

13. **TERMINATION OF MEETING**

The meeting, having commenced at 4.00 p.m. terminated at 4.50 p.m.