

Standards Committee – 6 November 2003

Minutes of the meeting of the **Standards Committee** held on **6 November 2003**
when there were present:-

Cllr C C Langlands (Chairman)
Cllr J M Pullen (Vice-Chairman)

Cllr T G Cutmore
Cllr C A Hungate

Cllr C J Lumley

INDEPENDENT MEMBERS

Mr A C Comber
Mr D J Cottis
Mr B M Flynn

PARISH MEMBER

Cllr M Steptoe, Barling Magna Parish Council

OFFICERS PRESENT

R J Honey Corporate Director (Law, Planning and Administration)
J Bostock Principal Committee Administrator

508 MINUTES

The Minutes of the meeting held on 10 July 2003 were approved as a correct record and signed by the Chairman.

509 LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003

The Committee considered the report of the Corporate Director (Law, Planning and Administration) which proposed rules of procedure for the local determination of misconduct allegations against Parish and District Councillors in the Rochford District following publication of regulations and guidance from the Standards Board for England.

The Committee reviewed the proposed procedure rules on a paragraph by paragraph basis. It was noted that it could be appropriate to undertake further review once experience had been gained of practical application. A suggestion of the Corporate Director that it would be useful for the Committee to partake in some form of real time/role playing training exercise was endorsed.

The Corporate Director clarified the definition of confidentiality and its application to Hearings. Responding to questions, he advised that:-

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- It was likely that, at some point, Standards Committees would be involved in issues associated with officers/the Officer Code of Conduct.
- There could be an increase in the number of cases once primary legislation is in place enabling allegations to be referred directly to the Council's Monitoring Officer for investigation and report to the Standards Committee.
- The procedures associated with the summonses for Hearings were similar to those in place for other meetings of the Authority.
- It was highly likely that some issues would only be identified as an actual Hearing progressed. For example, the Hearing process could lead to the identification of further breaches of the Code which would need referring to the Standards Board.
- When considering the timing of a Hearing, account would need to be taken of the wishes of the appellant. Given quorum requirements, the availability of Independent Members would be key.
- The system of substitutes used for normal committee meetings may be inappropriate for Hearings given their quasi judicial nature and the importance that those involved had time to assimilate case information in detail.

During debate the Committee endorsed the principle that the Reporting Officer should arrange support for Members who would otherwise be unrepresented. With regard to the Hearing, it was recognised that the training potential associated with full Committee involvement should be weighed against confrontational aspects. Recent changes in legislation now permit delegation of some of its functions from the main Committee to a Sub-committee and Members felt this was the best approach. In terms of role playing exercises, it was observed that the whole Committee may benefit from involvement in a case scenario already considered by the Standards Board or hypothetical cases. It was agreed that a training exercise should be undertaken early in 2004.

An Independent Member confirmed that one reason for his own attendance at a number of Council meetings and training sessions was to facilitate an understanding of the Councillor's role.

The Chairman reported that he had been approached by a non-committee Member who had expressed concern that the Regulations did not require that complainants attend Hearings for questioning. It had been requested that this should be taken up with the Standards Board.

During debate it was noted that the Regulations provided for the Reporting Officer, on behalf of the Committee, to request the attendance of any additional witnesses whose evidence he/she considered would assist the

Committee to reach a decision. Reference was made to the possibility that appropriate investigation activity involving a complainant would have been undertaken by the Ethical Standards Officer at initial complaint stages and that some complainants may not come forward without the possibility of anonymity. On balance it was felt that it would be of value to raise this matter with the Standards Board.

The Committee agreed some adjustment to the procedure associated with the setting up of a Hearing. On the question of substitutes, it was agreed that, in line with the guidance, these should only be permitted from Members of the Parent Committee in the case of the Hearing Panel. With regard to procedures at a Hearing, the Committee agreed that it would be of value to specify those parties who would be able to challenge any oral evidence by questions directed through the Chairman.

Resolved

- (1) That, subject to the above comments, the procedure for determining allegations as to the personal conduct of Members under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 be agreed and included in Part 4 of the Council's Constitution. (a copy of the revised procedure document is attached to the signed copy of these minutes)
- (2) That a communication be sent to the Standards Board for England requesting the Board's view on the suggestion that complainants should be required to attend and answer questions at Hearings.
- (3) That arrangements be made for the Committee to undertake an appropriate training exercise early in 2004. (CD(LPA))

510 PARISH MEMBER ON THE STANDARDS COMMITTEE

The Committee considered the report of the Corporate Director (Law, Planning & Administration) on the way forward with regard to the appointment of a Parish Member to the Standards Committee.

During debate it was noted that the Essex Association of Local Councils had indicated that the Rochford Hundred Association could be asked to involve all local Councils (including the two parishes who were not direct members of the Association) in determining a Parish appointee. The Committee endorsed the suggestion of the Corporate Director as it would be appropriate to identify a substitute for the Parish Member.

Resolved

- (1) That the continuation of the current Parish Member appointment for the remainder of the Municipal Year be confirmed.

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- (2) That the Rochford Hundred Association of Local Councils be asked to determine a nomination for the Parish Member position, together with a substitute, for a two year period with effect from the next Municipal Year and for all future appointments.
- (3) That the Parish Member appointment be co-terminous with that of the Independent Members. (CDR(PLA))

The meeting closed at 9.18 pm.

Chairman.....

Date.....