

## **Standards Committee - 10 April 2003**

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Minutes of the meeting of the **Standards Committee** held on **10 April 2003** when there were present:

Cllr T G Cutmore (Chairman)

Cllr M G B Starke

Cllr C J Lumley

Cllr Mrs M S Vince

### **PARISH MEMBER**

Cllr M Steptoe, Barling Magna Parish Council

### **INDEPENDENT MEMBERS**

Mr A C Comber

Mr D J Cottis

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from District Councillor C C Langlands and Mr B M Flynn, Independent Member.

### **SUBSTITUTES**

Councillor C A Hungate

### **OFFICERS PRESENT**

P A Warren - Chief Executive

R J Honey - Corporate Director (Law, Planning and Administration)

J Bostock - Principal Committee Administrator

### **189 MINUTES**

The minutes of the meeting held on 30 January 2003 were agreed as a correct record and signed by the Chairman.

### **190 THE ROLE OF THE ADJUDICATION PANEL FOR ENGLAND**

The Committee welcomed Mr R H Boyd, Rayleigh Town Councillor and Lay Member of the Adjudication Panel for England, who was in attendance to give a presentation on the role of the Panel.

During his presentation, Mr Boyd outlined both the nature and work mechanisms of the Adjudication Panel. The Panel had been appointed by the Lord Chancellor as a detached arm of the Standards Board for England. Cases were referred to the Panel by ethical standards officers of the Standards Board. Nationally, there were approximately 45 Adjudication Panel appointees. Case tribunals consisted of three

Adjudication Panel Members considered capable of demonstrating independence/fairness and a balance of skills. Of the three appointees, one was usually a lawyer, one had served as a professional Civil Servant and one had had experience of Public office.

When convened, a tribunal received papers at least one month in advance of a case hearing. There was an opportunity to clarify any points of fact or law which would assist the reaching of a decision. Decisions were made on the facts available. To date, 73 cases had been referred for adjudication. Of these, the majority related to Parish Councillors who had considered it inappropriate to comply with the new Code of Conduct requirements on the basis that they were draconian, inappropriate for the Parish Councillor role and in contravention of human rights. Appeals based on this type of reasoning failed on the basis that the argument was with the laws of Parliament and Adjudication Panels were concerned with compliance with the law. Whilst less in number, the second type of case related to accusations of bullying. For example, a senior Local Authority Member may attempt to force through a decision of personal interest in a manner which could bring his/her Council into disrepute. A number of cases revolved around failure to declare an interest or incorrect declarations.

Tribunals were as informal as possible. A provisional decision was given both verbally and in writing at the time of a hearing. This was then confirmed in writing, usually within 14 days. Decisions are applicable with immediate effect. There is a facility to appeal to the High Court on a point of law. Should a decision leading to dismissal be overturned by the High Court, a Councillor is not automatically re-instated. He/She would need to go through the normal process of election.

Responding to questions, Mr Boyd advised that:-

- When reaching a conclusion, an Adjudication Panel announced the majority decision.
- Arrangements for hearings had been devised by Parliament with a view to achieving a decision making process that was both fair and speedy.
- Parliament had wanted to remove the possibility that a guilty party could continue in office whilst appealing.
- Adjudication Panel membership comprised approximately 50% males and 50% females. Vacancies were publicly advertised and subject to a extensive appointments process. Appointees served for three years and could not be appointed after their 62<sup>nd</sup> birthday.

- Every decision was posted on the Internet. A mechanism was in place to facilitate an annual review of all decisions to identify areas where there may be disparity. Panel Members were to be called in each year to agree minimum standards.
- It was possible to fine persons who brought vexatious or time wasting claims.
- The two Adjudication Panel Members who also served as Parish Councillors ensured that they communicated with the Standards Board on aspects of the Parish Councillor role which should be taken into consideration.

The Chairman thanked Mr Boyd for his informative presentation. Mr Boyd left the details of a particular case hearing for distribution as appropriate.

### **191 MEMBERS ATTENDANCE AT MEETINGS AND TRAINING SESSIONS**

The Committee received a summary report from the Head of Administrative and Member Services on Members attendance at meetings and training sessions during the period 14 May 2002 to 31 March 2003.

It was recognised that the current format used to present the attendance statistics gave them a rather crude appearance. With regard to training, the elements considered at the last meeting had yet to be built in. Once included they would help develop the value which could be obtained from the statistics.

Responding to Member questions, the Corporate Director (Law, Planning and Administration) advised that:-

- Officers would further review the documentation, with the particular view of ensuring the recording of all apologies. One possibility could be for published documents to only indicate meetings for which apologies are not received.
- It could be more beneficial for the Standards Committee to consider these type of statistics following an election. This would allow inclusion of a whole Civic Year and for detailed consideration to be given to both previous and forthcoming training sessions.
- All Members unable to attend training sessions received copies of presentation and other materials used during the sessions.

During debate, reference was made to the dangers which could be associated with considering that statistics are a sole indicator of performance. For example, attendance at meetings did not necessarily signify effective contribution. There may be Members who had been unable to attend all their meetings but whose contribution when in attendance had been tangible. In terms of training, very experienced Councillors may attend sessions on subjects about which they are already competent. Much is also learned on the job and through interaction with the Authority's work. There are also times when particularly busy Councillors cannot be in two places at once. It could be recognised that Members in full-time employment were less likely to have time to attend all meetings/training sessions.

Reference was made to the potential value of including a provision for apologies within the training statistics. Reference was also made to the distance learning aspect of providing materials to non-attendees.

### **Resolved**

That, subject to the above comments, the summary statistics be received. Proposals for the 2003/04 training programme to be submitted to the Standards Committee at a meeting following the forthcoming elections. (HAMS)

## **192 LOCAL INVESTIGATION AND DETERMINATION OF MISCONDUCT ALLEGATIONS**

The Committee considered the report of the Corporate Director (Law, Planning and Administration) on the current position with regard to proposed regulations to permit local investigation and determination of misconduct allegations.

During debate it was noted that, based on current indications, it would be at least a year before codes of conduct relating to Officers were available.

### **Resolved**

That the Corporate Director (Law, Planning and Administration) be instructed to prepare draft rules of procedure to be considered by the Standards Committee following publication of new regulations concerning local investigation and determination of misconduct. (CD(LP&A))

## **193 SECOND ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**

The Committee considered the report of the Corporate Director (Law, Planning and Administration) on whether to send a delegation to the

second Annual Assembly of Standards Committees to be held on 9-10 June 2003 at the International Conference Centre, Birmingham.

The Committee endorsed the principle of sending a delegation to the Assembly comprising the Chairman, Vice-Chairman and one independent Member. It was recognised that it would be appropriate to finalise the names of actual attendees following the forthcoming Council elections.

### **Resolved**

That three places be booked on the Second Annual Assembly of Standards Committees, the actual attendees to be determined following the forthcoming election. (CD(LP&A))

The meeting closed at 9.18pm

Chairman \_\_\_\_\_

Date \_\_\_\_\_