

Standards Committee – 16 November 2004

Minutes of the meeting of the **Standards Committee** held on **16 November 2004** when there were present:-

Cllr J M Pullen (Chairman)
Cllr C A Hungate (Vice-Chairman)

Cllr P A Capon
Cllr Mrs S A Harper

Cllr C J Lumley

INDEPENDENT MEMBERS

Mr A C Comber
Mr B M Flynn

PARISH MEMBER

Cllr R E Vingoe, Hockley Parish Council

APOLOGIES FOR ABSENCE

Apologies for absence were received from Parish Cllr R E Vingoe and Mr D J Cottis.

VISITING

Cllr A J Humphries

OFFICERS PRESENT

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

486 MINUTES

The Minutes of the Meeting held on 13 July 2004 were approved as a correct record and signed by the Chairman.

487 DECLARATIONS OF INTEREST

Councillor A J Humphries and C R Lumley each declared a personal interest in the item on Notification of Decisions received from the Standards Board for England by virtue of being Town Councillors and confirmed that they would declare a prejudicial interest and leave the Meeting if there was any specific discussion on case references SBE 6416.04 and SBE 6417.04.

Councillors P A Capon, C A Hungate and J M Pullen each declared personal interests in the same item by virtue of knowing individuals associated with the cases.

488 MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

The Committee considered the report of the Corporate Director (Law, Planning and Administration) on an Office of the Deputy Prime Minister consultation document proposing a model Code of Conduct for Local Government employees.

During debate, the Corporate Director clarified the nature of the role of political assistants and confirmed that most of the proposed code documented aspects of an employees role that was accepted practice.

It was agreed that it would be appropriate to include the word “reasonably” in part 10 of the draft code.

Resolved

That, subject to an observation that Part 10 (Duty of trust) should read “an employee must at all times act in accordance with the trust that the public is reasonably entitled to place in him”, the proposed responses to the questions on the draft code, as set out in Appendix 2 of the report, be this Council’s response to the consultation document. (CD(LPA))

489 IDeA MODERN MEMBERS CONFERENCE

The Committee received a briefing note from Mr B M Flynn on the positive and negative aspects associated with the skills framework for Councillors as identified at the IDeA Modern Members Conference.

In presenting the briefing note, Mr Flynn acknowledged that the high number of indicators could come across as somewhat onerous, particularly given that Councillors faced many demands on their time. The Conference’s approach pointed to the skills framework being a basis for further consideration and the importance of Councillors being aware that there will be negative indicators as no one can be perfect.

It was agreed that Mr Flynn should be thanked for producing such an interesting and valuable document. Whilst from some perspectives the inclusion of negatives could be seen as off-putting to individuals who may be interested in the role of Councillor, if the document is combined with key points identified in Mr Flynn’s first briefing note on this subject, it should be possible to identify the various skills required of Councillors. This was something that could assist the Committee with its role in determining appropriate Member training. Members agreed that it would be appropriate to pursue this aspect.

It was observed that, in that Councillors usually do not want to interfere with matters that are in another Councillor’s Ward, there may be occasions when they would indicate that they are not someone’s Ward Councillor.

It was noted that, to some extent, many of the indicators could be seen as a development of previous work by the Audit Commission identifying that the thrust of a Councillor's activity should be about community involvement and that the skills framework could also be of value in the context of the Council's future work on aspects of the Council's structure emanating from Comprehensive Performance Assessment.

Resolved

That the aspirations for the role of Councillor identified in the skills framework be combined with the key Councillor functions identified in the paper submitted to the last meeting as an aid for both assisting this Committee in determining Member training and the Council when it gives consideration to aspects of the political structure in the context of Comprehensive Performance Assessment. (CD(LP&A))

490 THIRD ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee received a briefing note from Mr B M Flynn on his attendance at the Third Annual Assembly of Standards Committees.

In considering this subject, Members recognised that it was unfortunate that Mr Flynn had ended up being the only representative attending the Assembly on behalf of the Council. A number of advantages could be associated with attendance by more than one individual including the sharing of ideas and the capacity to attend a greater number of workshops.

Mr Flynn confirmed that a key message at the Conference was that, predominantly, the role of the Independent Member was coming to the fore and growing in importance. One theme was that Standards Committees should be comprised entirely of Independent Members and chaired by an Independent Member. Mr Flynn did not subscribe to the former in that it could be seen as important for appropriate "balance and knowledge" to be maintained by the presence of experienced Councillors.

During discussion it was observed that, generally speaking, from the perspective of many Councillors the concept of an un-elected public assembly was anathema. It was also observed that, in the case of Independent Members on a Standards Committee, such Members were selected in some depth and are likely to display qualities that suit hearings activity. It was noted that Rochford had already agreed that Hearing Panels would be chaired by an Independent Member.

The Committee thanked Mr Flynn for all his efforts in producing the paper.

491 NOTIFICATION OF DECISIONS RECEIVED FROM THE STANDARDS BOARD FOR ENGLAND

The Committee considered the report of the Corporate Director (Law, Planning and Administration) on decisions of the Standards Board for England and dealing with future notifications.

In presenting the report/responding to questions, the Corporate Director advised that:-

- With effect from 1 January 2005, most of the type of information set out in the exempt appendix to the report would be in the public domain by virtue of the Freedom of Information Act. However, when details of a complaint are reported with a decision not to investigate, it leaves the Member complained of with no opportunity to comment on or refute the allegations.
- It was currently understood that Standards Committee Members would need to be advised when an investigation is being launched by the Monitoring Officer. A brief case synopsis would be provided, pending a decision on whether a case merited investigation.
- It was proposed that information on cases dealt with and reported by the Standards Board would be supplied to Committee Members in letter form.
- The Standards Board had always maintained that anonymous complaints will be accepted under some circumstances. In dealing with anonymous complaints, a Hearings Panel would need to establish whether the facts of the case are true.
- The Council had no way of knowing precisely why a case being dealt with by the Standards Board can take a long time, although resources could be a factor. Equally, a complainant may be exploring other avenues prior to formalising and submitting a complaint.
- The Government provided no additional specific resources for the Monitoring Officer to carry out the additional duties associated with the Local Government Act 2000.

During discussion, the Committee recognised that it was important to remain mindful of the costs that could be associated with providing in-depth written detail on every case. It was agreed that a brief resumé via a letter was likely to fit most circumstances.

It was also recognised that, to some extent, the process was one of learning for and between Authorities.

The meeting closed at 8.58pm.

Chairman

Date