

Standards Committee – 28 February 2006

Minutes of the meeting of the **Standards Committee** held on **28 February 2006** when there were present:-

Chairman: Cllr C A Hungate
Vice-Chairman: Cllr Mrs S A Harper

Cllr C I Black

Cllr D Merrick

INDEPENDENT MEMBERS

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

APOLOGIES FOR ABSENCE

Apologies for absence were received from District Councillor P A Capon and Parish Councillor R E Vingoe, the Parish Member.

OFFICERS PRESENT

R J Honey	-	Corporate Director (Law, Planning & Administration)
D Foster	-	Personal Assistant (Law, Planning & Administration)
J Bostock	-	Principal Committee Administrator

72 MINUTES

The Minutes of the meeting held on 8 November 2005 were approved as a correct record and signed by the Chairman.

73 STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE

The Committee considered the report of the Corporate Director (Law, Planning & Administration) on a Consultation Document from the Office of the Deputy Prime Minister on the Conduct Regime for Local Government in England.

In presenting the report the Corporate Director advised that, based on recent indications from the Standard Board's Head of Policy, there will be a Draft Bill on this subject by the end of the current year, leading to legislation around April 2007 aimed at introducing a new Code of Conduct for the 2007/08 Municipal Year. The Standards Board would free itself from decisions on local cases by 2008.

The Committee reviewed each of the main points arising out of the discussion paper and the proposed officer comments.

During discussion of points associated with the assessment, investigation and determination of misconduct allegations Members concurred with the observation of the Corporate Director that there would be merit in facilitating informal discussion at the next scheduled Committee meeting around the direction of the Committee and arrangements that could need to be introduced to address likely workload. It was observed that the Committee could, perhaps, benefit from considering how it would address three distinct misconduct scenarios allied to a review of hearing procedures. Reference was made to the potential value of reflecting on Standards Board statistics relating to case levels – indications being that the likelihood the Authority will be asked to deal with a case is increasing. Notwithstanding the need for detailed consideration, it was accepted that an Authority would be unable to make arrangements to hear a case on the basis that the anonymity of the Member who is the subject of the hearing could be maintained.

Responding to questions, the Corporate Director confirmed that revised arrangements as proposed would mean that all complaints relating to the District would be received for filtering by the Authority in the first instance.

It was noted that revisions were intended to simplify the Code particularly with regard to Members' interests and that a specific provision with regard to bullying was to be introduced. In addition to the points set out in the report, the Government was also welcoming comments on the possibility of co-operative working. For example, the combining of Standards Committees, the sharing of Monitoring Officers or perhaps the introduction of a County-wide Committee to deal with Parish/Town Council cases.

During debate on this aspect it was observed that administrative difficulties may be associated with any County-wide Committee dealing with Parish/Town Councils given the quantity of such Councils. Reference was made to the need to be wary of any proposals that could potentially be associated with a broader Government agenda around regional working?

It was felt that there could be merit in exploring some grouping possibilities. For example, neighbouring Authorities could perhaps determine each other's cases, which could reduce the likelihood of any issues around the prior knowledge that a Hearing Panel may have about case participants.

With specific regard to the make-up of Standards Committees, it was recognised that different views could be expressed on the question of whether a Committee should be chaired by an Independent Member. Responding to questions the Corporate Director advised that:-

- There were strong indications that the Government will soon require all Standards Committees to be chaired by Independent Members.
- The fact that Independent Members work with other Members of the Council in a business capacity at Council meetings would not in itself point to a need for them to declare a personal interest. It may be that a

Hearing Panel consisting of solely Independent Members would reduce the likelihood of issues around whether Hearing Panel Members have inappropriate knowledge of a Member under investigation.

Reference was made to a recent hearing involving the Mayor of the Greater London Authority that had been the subject of media comment on chairing by Independent Members. Reference was also made to the fact that, over time, there had been a number of papers/forums pointing to it being preferable to appoint an Independent Member as the Chairman of a Council's Standards Committee, this being a direction that an increasing number of Authorities were taking.

Resolved

That, subject to the inclusion of comment that there could be some merit in exploring the grouping of adjacent Authorities for the purpose of hearings, the officer comments set out in the report be forwarded to the Government as this Council's views on the consultation document. (CD(LP&A))

74 REVIEW OF ROCHFORD DISTRICT COUNCIL'S CONSTITUTION

The Committee considered the report of the Corporate Director (Law, Planning & Administration) on proposals to amend the Council's Constitution to give effect to a revised Committee structure.

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

- Mindful that the Authority had never considered introducing Area Committee arrangements, the Finance and Procedures Overview & Scrutiny Committee had felt that reference to such Committees should be deleted on the basis that the Constitution could be revisited should a need arise.
- It is possible to interpret the question of quorum arrangements for the Standards Committee on the basis that at least one Independent Member needs to be present at all meetings.
- The Council determines the number of Independent Members that it wishes to appoint. Given potential future workload issues there would be merit in remaining alert to the numbers. The Council may well want to review the number of Parish Member appointees in the context of potential future levels of hearings involving Parish Members.
- Should the Standards Committee reach a future conclusion that there is a need to suggest changes to its role and function, the Committee can recommend any changes required to the Constitution for determination by Full Council.

- The Members' Code of Conduct is a statutory document. The indications are that there will be a statutory Code of Conduct for Officers in the near future.

The Committee noted that the Parish Member, Councillor R E Vingoe, had been in liaison with the Corporate Director on this item of business. Councillor Vingoe felt that, in the light of his experience as a former Chairman of District Council's Planning Services Committee, there could be merit in reviewing the arrangements associated with discussions between attendees at planning site visits. The Committee recognised that, given this and other factors, such as a requirement that Planning Committee Members have sufficient information on an application to make a decision, this part of the Constitution would merit further future review.

The Corporate Director advised that, from a historical perspective, it would be appropriate to undertake a future review of a number of the Codes set out in Part 5 of the Constitution. With regard to planning site visits, officers were intending to ascertain the views of the Ombudsman who will be visiting the Authority's area in the near future.

RECOMMENDED to the Policy & Finance Committee that the Constitution, as submitted, be agreed. CD(LP&A))

75 INDEPENDENT MEMBERS' FORUM

The Committee received the informal notes of the first meeting of the Independent Members' Forum held at Castle Point Borough Council on 21 February 2006.

During discussion, the following observations were made:-

- The Forum had identified that it was possible for Authorities to have difficulties identifying and appointing Independent Members.
- It is possible to consider broadening out the terms of reference of a Standards Committee to encompass areas such as complaints against an Authority itself and whistle-blowing policies. This may be something that could be considered as part of discussions about the future.
- The opportunity of a discussion forum was welcomed by the Independent Members. It was pleasing to see interest being shown by Southend-on-Sea, Maldon and Chelmsford Councils.
- Rochford could be pleased with its progress and the thorough and effective work associated with subjects such as Member training.
- Whilst not the case for Rochford, it was appropriate to remain mindful of the fact that Members can be suspicious and wary towards Standards Committees. Reference was made to the possibility that,

whilst not currently permitted, a grouping arrangement whereby a neighbouring Authority could hear an appeal may help reduce the likelihood of in-house hostility. Reference was also made to how any questions of fairness of approach on the subject of hearings could be factors for both complainants and a Member who is the subject of a complaint.

The Corporate Director advised that Castle Point Borough Council had been informed that Rochford would be interested to be involved in a mock hearing event that Castle Point was arranging.

76 'MENTORING TO SUPPORT LOCAL LEADERSHIP' EVENT

The Committee considered the report of the Corporate Director (Law, Planning & Administration) on a national event being held in Leeds on Wednesday, 22 March 2006 on the 'National Council Mentoring Programme for England'.

The Committee accepted that it was relatively short notice to determine attendee/s, particularly given the distance that would need to be travelled to the event.

It was observed that attendance could be particularly applicable for senior Members, such as Group Leaders or former Group Leaders, who felt sufficiently experienced to mentor colleagues. It was also observed that the Council had already made a lot of progress in developing its Member Training Programme and that, whilst mentoring is perhaps something to move towards, the timing needs to be appropriate.

The Committee had no objections to the suggestion of the Chairman that the availability of places could be raised with colleague Members in case there is an interest.

The meeting closed at 9.19pm.

Chairman

Date