

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Standards Committee held on Thursday 11 September 2008 at City Hall, Bradford

Commenced 1405
Concluded 1555

PRESENT –

Independent Persons

Mrs Essler, Mr Dobson, The Very Revd Dr Ison and Mr Shakeel

Parish and Town Council Members

Parish Councillors Jay and Mitchell

Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Ferriby	Khan
Owens	Ikram	
D Smith		

Apologies: Councillor Flowers

Mrs Essler in the Chair

9. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

10. MINUTES

Resolved -

That the minutes of the meeting held on 9 July 2008 be signed as a correct record.



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD
METROPOLITAN DISTRICT COUNCIL

11. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

12. MONITORING OFFICER'S REPORT ON COMPLAINTS

The Monitoring Officer reported to the meeting the receipt of complaints notified direct to her or via the Standards Board for England and the stage that complaints had reached as set out in the table below.

Complaints Notified by the Standards Board for England

Date of SBE Notification	District or Parish/Town Councillor	SBE Initial Action	Current Position	Outcome
22 May 2008	District	Refer to Ethical Standards Officer for investigation	Under investigation by Standards Board of England	

Complaints Notified to the Monitoring Officer

Date of Complaint	District or Parish/Town Councillor	Initial Action of Standards Committee	Current Position	Outcome
13 May 2008	District 2008/01	Initial assessment undertaken on 14 August 2008	Two issues raised. The Hearing Panel determined that one issue not suitable for investigation or alternative action and that the second issue was to be referred to the Standards Board for England for investigation	
29 June 2008	District 2008/2	Initial assessment undertaken on 14 August 2008	Referred to Monitoring Officer for investigation	

The Chair noted that this area of business seemed busier than had previously been the case.

The Monitoring Officer concurred and explained the process for dealing with a complaint when it first arrived. This included giving the complainant the option of having their complaint dealt with formally or informally. If the preference was for the formal route, the Committee would always learn of a complaint and so would be more aware of the number of complaints being dealt with.

She also stressed that, in instances of a more serious nature, there would be no option of an informal solution.

In response to questions from Members, the composition of the hearings panel was explained as were the possible reasons for having to refer a complaint to the Standards Board for England for investigation. These could include the status of the Member concerned or the seriousness of the complaint received.

A Member also questioned whether, if an informal route had been chosen, the complainant could also then ask for the formal option to be pursued. The Monitoring Officer advised that it would be possible but by that stage she may have a conflict of interest herself and may have to pass the matter on to a colleague.

ACTION: NO ACTION

13. STANDARDS COMMITTEE WORK PROGRAMME

An updated copy of the Committee's work programme was appended to the agenda for Members' information.

The Monitoring Officer noted that one of the forthcoming items; informal dispute resolution, was becoming quite problematic.

The Chair required that updates be provided on two previous issues; Engaging with Parish Councils and the Communication Strategy, as they were ongoing matters and the Committee did not want to lose sight of them. The Monitoring Officer undertook to do that.

Resolved –

That the work programme as appended to the agenda be noted.

ACTION: Assistant Director Corporate Services (City Solicitor)

14. PRE INVESTIGATION LOCAL FILTER

The Assistant Director Corporate Services (City Solicitor) presented a report (**Document "A"**) which set out how the pre investigation local filter would be applied when complaints about the conduct of a local councillor were referred to the Committee.

At appendix A, the report contained a proposed breakdown of the criteria for consideration when a panel undertook the local filter.

In presenting the report and appendix, the Monitoring Officer advised that it had already been used as guidance during the first meeting of the Local Filter Panel. She explained the flow chart contained in the appendix in detail, stressing in particular the need for the Panel to decide whether there was enough information to proceed with its deliberations as it must not begin to undertake an investigation, so must be very cautious about requesting further information.

The Chair queried the requirement for complainants to fill in a form as she was concerned that this would put a barrier in the way of people who had difficulties with the written word.

The Monitoring Officer appreciated the point being made and undertook to investigate whether it was possible to signpost complainants to independent organisations which could help, such as the CVS or CAB.

She also undertook to discuss the matter with her fellow Monitoring Officers within West Yorkshire and to investigate what guidance was offered by the Council in respect of other similar procedures, such as appeals bodies.

The Committee then discussed the option of "other action", about which the Monitoring Officer had some concern. Her misgivings related to the fact that, at this stage of the procedure, there would be no finding of culpability so there could be no compulsion for a Member to attend training or take up any other guidance offered. If a Member refused to comply with a Panel's recommendation at that stage there was also no option to move on through the procedure to formal investigation by the Monitoring Officer. She gave an example from another Local Authority where that had happened and the Member concerned had refused to attend training that had been recommended as "other action" as he refuted absolutely the behaviour complained of. As there had been no finding of culpability, there was little else the Standards Committee concerned could do.

The Monitoring Officer advised that she had suggested to the SBE that a Member could be asked whether they accepted responsibility for the behaviour or actions complained of and only if they did so should the option of "other action" be considered by the Committee.

Members discussed that option, making the following points:-

- it would be a cause for concern if a Member did not undertake the training that had been recommended and the complainant learned of that fact.
- the idea of asking if responsibility was accepted was almost a parallel framework to that of sanctions.
- the issue was particularly relevant to Parish Councils which may not have the same group support as did the District Councils.

In response to a suggestion of a clause in the procedure allowing re-investigation if the Committee's recommendations were refused, the Monitoring Officer stated that advice from the SBE was that this could not be done as the Committee would be deemed to have made a determination.

The Monitoring Officer also asked Members to consider whether to offer to be a pilot authority for operating a two-stage process which would incorporate asking Members if they did accept responsibility.

A Member queried why that could not be done at the outset and was reminded that the Local Filter Panel must not begin to investigate but must confine itself to considering whether there seemed to be a case to answer. Such a question could only be posed if the Panel had already decided that there may be a case to answer.

Another Member queried what would happen if a political group censured a Member via its own group discipline. The Monitoring Officer advised that if such action satisfied the concerns of a complainant, that person could withdraw their complaint but unless they did so, any formal investigation would continue.

She also advised that she would be unable to advise a complainant of any action taken by a political group as that must be done by the group itself. Similarly, she would not be able to automatically advise groups of complaints against their Members as she must at all

times be able to demonstrate confidentiality. She did, however, offer to advise a group on behalf of the Member concerned, if they wished the group to be aware of the issue but felt unable to discuss the matter themselves.

The Committee discussed whether it would be possible to refer to group discipline within the guidance document, weighing the desire not to overlook it as a valuable resource against the corporate responsibility to ensure transparency.

A Member noted that it should not be assumed that groups could always deal with matters "in-house" and that it was important to maintain the independence of the Standards Committee.

Another Member queried what could be done if the Local Filter Panel had considered that there was a clear case to answer but the complainant withdrew their complaint. The Monitoring Officer concurred with the concerns of the Member that there may be no way of investigating further and undertook to consult the SBE.

Resolved –

- (1) That the appendix to Document "A" be approved as the criteria for investigation when a local filter is undertaken.**
- (2) That the Monitoring Officer, in consultation with the Leader of Council, be requested to contact the Standards Board for England to investigate whether the role of political groups should be recognised within the local filter process.**
- (3) That the Monitoring Officer contact the Standards Board for England to ascertain whether a complaint can be investigated further if it has been withdrawn by the original complainant but there appears to have been a breach of the Code of Conduct.**

ACTION: Assistant Director Corporate Services (City Solicitor)

15. LOCAL INVESTIGATION OF COMPLAINTS

The report of the Assistant Director Corporate Services (City Solicitor) (**Document "B"**) identified issues for consideration by Hearings Panels of the Standards Committee when applying sanctions as part of the local investigation procedures.

At appendix A to Document "B", members were provided with a guidance document which dealt with issues for consideration when determining the application of a sanction.

The Monitoring Officer explained the report and appendix in detail and advised that, at this stage of the process, if the Committee disagreed with the decision of the Monitoring Officer it would be the decision of the Committee which took precedence.

The Committee considered the standard list of sanctions available to it as set out in the report. Members noted that, having imposed a sanction, they were under an obligation to complete a return to the SBE

The Monitoring Officer advised them to bear in mind that any sanction must be "reasonable and proportionate" in each case and must be based on its individual circumstances.

In response to a question from a Member, the Monitoring Officer advised that one or two complaints were sent to her each week and, of those, it was probable that one or two a month would have to be dealt with formally. She also reminded Members that the SBE had investigated between 25-30% of issues raised but that Local Authorities involved in the recent pilot scheme had recommended between 60-70% for investigation. The reason for this could be that allegations of misconduct were regarded more seriously when viewed locally.

Members considered that it would be useful to provide a concise guide to common issues that had given cause for concern and to explain what the code of conduct actually meant in plain terms. The Monitoring Officer undertook to investigate that and to examine the SBE website for relevant cases to use as examples.

Members noted that, when the SBE had been first established, a high number of very minor complaints had been made but that had diminished as time went on. Members also considered that levels of complaints could be cyclical around elections.

The Monitoring Officer concluded the discussion by giving advice on the role of the Independent Remuneration Panel and noting that she would shortly be asking that body to examine the issue of suspending allowances under certain circumstances.

Resolved –

That the guidance attached to Document "B" be accepted.

ACTION: Assistant Director Corporate Services (City Solicitor)

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Committee.

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THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER