

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Standards Committee held on Thursday 30 October 2008 at City Hall, Bradford

Commenced 1400
Concluded 1615

PRESENT –

Independent Persons

Mrs P Essler and Mr G Dobson

Parish and Town Council Members

Parish Councillors Jay and Mitchell

Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Ferriby	Q Khan
Owens		
D Smith		

Apologies: Councillors Flowers and Ikram and the Very Revd Dr Ison

Mrs Essler in the Chair

16. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

17. MINUTES

Resolved -

That the minutes of the meeting held on 11 September 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

18. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

19. 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, the stage that notified complaints had reached and the final outcome on the consideration of complaints where that stage had been reached.

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	Standards Board for England determined no further action

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	First issue – complainant appealed to be referred to Appeals Panel Second issue – Standards Board for England determined no further action
29 June 2008	District 2008/2	Initial assessment undertaken on 14 August 2008	Referred to Monitoring Officer for investigation	Investigation ongoing
16 Sep 2008	District 2008/03	Initial assessment to be undertaken		
16 Sep 2008	District 2008/04	Initial assessment to be undertaken		
23 Sep 2008	Parish/Town 2008/05	Initial assessment to be undertaken		
25 Sep 2008	District 2008/06	Initial assessment to be undertaken		

The Chair noted particularly the receipt of four further complaints and stressed that the situation would have to be monitored to assess the increase in workload.

The Monitoring Officer advised that there were private companies now offering to undertake investigations into complaints on behalf of local authorities for that very reason but their fees were high and Members would then have to be confident about accepting advice on complaints from a third party.

ACTION: No Action

20. STANDARDS COMMITTEE WORK PROGRAMME

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

It was noted that the work programme was very busy right up until the end of the municipal year.

The Chair stressed that she required an update on the issue of a communication strategy, which had previously been considered by the Committee and which had been a topic raised at the recent Assembly of Standards Committees.

ACTION: Assistant Director, Corporate Services (City Solicitor)

21. LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL LETTER 2007-08

The Assistant Director Corporate Services (City Solicitor) presented a report (**Document "C"**) which provided an overview of the information contained in the recently published Local Government Ombudsman's annual letter for 2007/08.

A Member questioned the number of complaints received during the period covered and were advised that at 83, the number was down by 23% on the previous year. That fall was attributed to the satisfactory nature of the internal procedures that the Council had in place. Those procedures filtered out minor complaints, leaving only the more complex to go to the Ombudsman.

Members discussed the issue of complaints in respect of planning matters, about which they were frequently contacted and noted that the proposed relaxation of the regulations may result in more complaints.

The Chair highlighted that this particular issue had been raised at the Assembly and considered that it may be useful to link member development on planning matters to the Code of Conduct in order to assist Members when contacted about planning matters.

The Monitoring Officer concurred with that and recommended Members to access the SBE website using the following link www.standardsboard.gov.uk (click on events and then on *Seventh Annual Assembly of Standards Committees where the material from the conference can be downloaded, including the seminar called "planning ahead"*)

Members thanked the Monitoring Officer for the report, expressing their satisfaction with the decrease in the number of complaints. They stressed that the narrative of the report was as useful as the statistical breakdown as the figures gave no indication of the seriousness of the complaints received. They were also assured that, when the Ombudsman made a ruling on a particular case, that was always sent to the relevant Strategic Director and Legal Services Manager for training purposes.

The Monitoring Officer advised that, with each annual letter, the Ombudsman sent a covering letter, which this year had been very complementary. She stressed that the Ombudsman considered that she received a good service from staff in Bradford and highlighted the good work undertaken by Christine France and Yusuf Patel in particular.

Resolved –

That the contents of the Annual Letter be noted.

ACTION: Assistant Director, Corporate Services (City Solicitor)

22. RELEVANT CRITERIA WHEN CONSIDERING ALTERNATIVE ACTION TO LOCAL INVESTIGATION

The Assistant Director Corporate Services (City Solicitor) presented a report (**Document “D”**) which set out the present position and criteria for consideration when an Assessment Panel deemed alternative action to be an appropriate method of dealing with a complaint regarding the alleged conduct of a District or Town/Parish Councillor.

Attached to Document “D” was a powerpoint presentation used by the Council’s Monitoring Officer when she had been a speaker at a workshop on the issue of alternative action at the recent annual assembly of Standards Committees.

While presenting the powerpoint slides to Members, the Monitoring Officer highlighted the following points:-

- that alternative action should not be viewed as a sop to the public
- that informal dispute resolution had been made difficult by the new procedures
- all sanctions which could be used as alternative action could also be used by a hearings panel and could be the basis of an expedited process if a Member accepted culpability.

Members discussed the presentation and the issue of using alternative action in practice and expressed some concern about this sanction having the necessary "teeth" to guide Members, particularly in the cases concerning forthright or challenging personalities.

The Monitoring Officer advised that it was important for Standards Committees to be clear about their role. It was not necessary to manage challenging or provocative behaviour if there was no breach of the Code of Conduct. The process would have "teeth" if the Member concerned understood the more serious sanction that would be likely to be imposed if culpability were not accepted.

Members considered that there could be a place for alternative action within local investigation in Bradford but were concerned that it should be very carefully considered before being used and should only be used where the individual circumstances of a case deemed it to be appropriate.

They were particularly concerned that its efficacy could depend on the personality of individual members and whether they were likely to accept culpability. This could, in effect, lead to the Monitoring Officer being required to give a personal judgement on a Member, which was considered to be wholly inappropriate.

The Monitoring Officer advised that the five West Yorkshire Monitoring Officers were presently discussing the issue of culpability and that she was considering whether it would be possible for Bradford to be a pilot authority for the use of a shortened hearings process in cases where culpability was genuinely accepted and where the complainant's concerns were satisfied by that acceptance.

Resolved –

That the Monitoring Officer be requested to compile a guidance note from the key issues highlighted in her presentation appended to Document “D” for hearings panels as a reference guide.

ACTION: Assistant Director, Corporate Services (City Solicitor)

23. SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Members of the Committee who attended the seventh annual assembly of Standards Committees on 13-14 October 2008 were invited to give feedback to the meeting.

Dr Ison, who had attended the Assembly but who was unable to attend this meeting, had prepared a brief note of his views and this was circulated to all Members.

The Chair highlighted the key issues which had been raised by the new Chief Executive of the SBE:

- alternative action
- best practice
- consistency between committees
- priorities and training needs of parish councils
- sanctions and consistency
- relations with local partnerships
- new legislation regarding Standards Committees working together
- training and resources

The Monitoring Officer highlighted that the Assembly had been well attended by her fellow Monitoring Officers and that, as a result, a lot of the workshops were very technical as Monitoring Officers discussed how local investigation was working in practice.

Other Members concurred with that and considered whether that meant the conference was less useful for elected members, who had made up only 108 of the 800 delegates.

It was agreed that, for a lot of elected members, attendance at a two day assembly was impractical and that smaller regional conferences or roadshows might be more useful.

A Member noted that the most useful aspect for him had been the opportunity to put his parish council into a national context. It was agreed that this was an important concept to bear in mind, especially when deciding on where to set the bar for local investigation.

The Chair concluded the discussion by urging Members to access the SBE website link at www.standardsboard.gov.uk and to access the presentation material from the Assembly. She also requested a report be made to the next meeting giving priorities for this Committee from issues raised at the Assembly.

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