

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Standards Committee held on Thursday 13 August 2009 at City Hall, Bradford

Commenced 1400

Concluded 1605

### PRESENT

#### Councillors

#### Independent Persons

Mrs P Essler, The Very Revd Dr D J Ison and Mr Shakeel

#### Parish and Town Council Members

Parish Councillors Jay and Mitchell

#### Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Ferriby	Middleton
D Smith	Lee	
	A Thornton	

Apologies: Mr Dobson, Parish Councillor Bowen and Councillor Owens

#### Mrs Essler in the Chair

#### 11. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

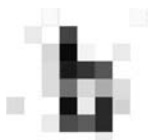
#### 12. MINUTES

##### Resolved -

**That the minutes of the meeting held on 30 June 2009 be signed as a correct record.**

#### 13. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



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#### 4. MONITORING OFFICER'S REPORT ON COMPLAINTS

The Monitoring Officer reported to the meeting the receipt of complaints notified to her, the stage that any notified complaint had reached and the final outcome on the consideration of complaints, where appropriate, as detailed in the table below.

<b>Date of Complaint</b>	<b>District or Parish/Town Councillor</b>	<b>Initial Action of Standards Committee</b>	<b>Current Position</b>	<b>Outcome</b>
23 September 2008	Parish/Town 2008/05	Initial assessment undertaken on 3 December 2008	Referred to Monitoring Officer for investigation	Investigation ongoing
4 December 2008	District 2008/08	Initial assessment undertaken on 28 January 2009	Decision of Assessment Sub-Committee was to refer the matter to the Monitoring Officer for alternative action	Ongoing
17 December 2008	District 2008/09	Initial assessment undertaken on 4 February 2009	Decision of Assessment Sub-Committee was no action to be taken	Completed
19 December 2008	District 2008/10	Initial assessment undertaken on 28 January 2009	Decision of Assessment Sub-Committee was to refer the matter to the Monitoring Officer for alternative action	Completed
9 January 2009	District 2009/01	Initial assessment undertaken on 4 February 2009	Decision of Assessment Sub-Committee was no action to be taken	Completed
10 February 2009	Parish/Town 2009/02	Initial assessment undertaken on 4 March 2009	Referred to Monitoring Officer for investigation	Investigation ongoing
30 March 2009	Parish/Town 2009/03	Initial assessment undertaken on 30 April 2009	Decision of Assessment Sub-Committee was no action to be taken	Complainant has requested a review of the decision to be undertaken by

				Appeals Panel on 30 June 2009
13 May 2009	Parish/Town 2009/04	Initial assessment undertaken on 30 June 2009	Decision of Assessment Sub- committee was no action to be taken	-
29 May 2009	Parish/Town 2009/05	Initial assessment to be undertaken on 22 July 2009	Decision of Assessment Sub- Committee was to refer the matter to Standards for England	-
15 July 2009	Parish/Town 2009/06	Initial assessment to be undertaken on 13 August 2009	-	-
15 July 2009	Parish/Town 2009/07	Initial assessment to be undertaken on 13 August 2009	-	-
30 July 2009	Parish/Town 2009/08	Initial assessment to be undertaken on 13 August 2009	-	-

The Monitoring Officer referred to the discussion at the last meeting regarding the length of time taken to complete investigations. She reported that following consultation with District Legal Service Officer colleagues, she had concluded that resourcing did not appear to be an issue rather than the length of time taken by complainants to respond to requests from the Monitoring Officer for information. She would keep this under review and advise the Committee accordingly.

She reported that, in respect of one of the ongoing complaints, a draft report had been sent to the complainant but no response had been received. In these circumstances the complainant would be advised that if they did not respond within five days, the evidence would be submitted with the proviso that the statement had not been signed.

In response to a Member's question she identified that failure to respond to requests from the Monitoring Officer tended to be by complainants and witnesses and not subject Members.

**Resolved –**

**That the report be noted.**

***ACTION: No Action***

## 5. WEST YORKSHIRE REGIONAL CONFERENCE

Members of the Committee who attended the West Yorkshire Regional Conference held in City Hall, Bradford on Thursday 9 July 2009 were invited to comment on the event.

Members were advised that a report on feedback would be presented to a future meeting of the Committee.

Members of the Standards Committee commented that the conference had been received well by the participants. The number of elected members in attendance had been better than at the national conference. The conference had been more focussed than the national conference.

The Monitoring Officer reported that she would arrange a meeting with Standards Committee Chairs and Vice Chairs of the West Yorkshire Districts and their respective Monitoring Officers to discuss how to take this forward.

No decision was made on this item.

**ACTION: No Action**

## 6. OTHER ACTION – GUIDANCE FROM STANDARDS FOR ENGLAND

The Assistant Director Corporate Services (City Solicitor) presented a report (**Document “A”**) in which Standards Committee Members were asked to consider the guidance issued by Standards for England entitled “Other Action” and to consider how the outcome of other action was to be reported.

The Committee discussed in detail whether the report on the outcome of other action should be reported to the original assessment panel. They considered the possible implications of adjoining assessment panel hearings. The Monitoring Officer cautioned against using "other action" to avoid conducting an investigation.

The Monitoring Officer reported that if she was aware of a pattern emerging regarding a particular authority she would report to the Standards Committee on any other action that could be taken to address the issue. She would look at the issue in a strategic way rather than on the basis of an individual complaint.

In response to a Member request the Monitoring Officer agreed to review the criteria relating to "other action" in the light of the new guidance by Standards for England.

**Resolved –**

- (1) That the initial Monitoring Officer’s report setting out the outcome of any “other action” direction be submitted to the Assessment Sub-Committee that originally considered the complaint. The Assessment Sub-Committee will have the discretion to refer any wider issues to the Standards Committee under the standard agenda item on the Monitoring Officer’s report on complaints.**
- (2) That the Monitoring Officer review the criteria relating to “other action” in the light of the new guidance and report back to the Standards Committee.**

- (3) That the annual report include a detailed analysis of the complaints received identifying any trends for consideration by the Standards Committee.
- (4) That the Monitoring Officer raise, at the Standards Committee, any significant issues that occur during the assessment process.
- (5) That the Monitoring Officer undertake to revise the content of her report to the Standards Committee on complaints to include more meaningful information for the committee while retaining anonymity.

**ACTION:** *Assistant Director, Corporate Services (City Solicitor)*

## **7. STANDARDS COMMITTEE (FURTHER PROVISIONS) (ENGLAND) REGULATIONS 2009**

**Document “B”** outlined the implications of the introduction of the Standards Committee (Further Provisions) (England) Regulations 2009 in relation to the power of the Standards Board for England to suspend the initial assessment functions of the Standards Committee, for the establishment by relevant authorities of joint Standards Committees and in relation to the powers of the Standards Committee to grant dispensations.

Members discussed circumstances in which requests may be made to the Standards Committee to grant dispensations.

**Resolved –**

- (1) That the changes imposed by the 2009 Regulations be noted.
- (2) That the Monitoring Officer prepare a briefing note for group leaders and whips on the new provisions.

**ACTION:** *Assistant Director, Corporate Services (City Solicitor)*

## **8. NOTIFICATION AND PUBLICITY PROCEDURES FOR COMPLAINTS**

The Committee was asked to consider **Document “C”** to which was appended a briefing note setting out a summary of the procedures which applied to the disclosure of information about complaints.

In response to a Member's question the Monitoring Officer advised that if her investigations had found a breach there was a strong argument to hold the hearing in public, but where her report concluded that there has been no breach hearing should be in private. She would have to give more consideration to whether other Members of the Standards Committee should be excluded.

**Resolved –**

**That the report be noted.**

***ACTION: Assistant Director, Corporate Services (City Solicitor)***

**9. RECENT DECISIONS OF THE ADJUDICATION PANEL FOR ENGLAND**

The Assistant Director Corporate Services (City Solicitor) presented a report (**Document “D”**) which outlined summaries of the recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against members.

Members agreed that it would be useful to receive the summaries on a regular basis.

**Resolved –**

**(1) That the report be noted.**

**(2) That a report on recent decisions of the Adjudication Panel of England be presented at each meeting of the Standards Committee.**

***ACTION: Assistant Director, Corporate Services (City Solicitor)***

**10. STANDARDS COMMITTEE WORK PROGRAMME**

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

**Resolved –**

**That the work programme be noted.**

Chair

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

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