

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Standards Committee held on Wednesday 28 October 2009 at City Hall, Bradford

Commenced 1400
Concluded 1535

PRESENT –

Independent Persons

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

Parish and Town Council Members

Parish Councillors Bowen, Jay and Mitchell

Councillors

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

Apologies: Mr Shakeel

Mrs Essler in the Chair

17. DISCLOSURES OF INTEREST

- (i) The following Members disclosed a personal interest in the item relating to Engaging with Parish Councils (Minute 23) as each was a Parish Councillor:-

Councillor D Smith
Councillor Binney
Councillor Bowen
Councillor Jay
Councillor Mitchell

As none of the interests was prejudicial, all Members concerned remained in the meeting throughout.



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



- (ii) Councillor Thornton disclosed a personal interest during discussion of the item in respect of the Eighth National Assembly of Standards Committees (Minute 21) as a Member of the National Union of Journalists. As the interest was not prejudicial, he remained in the meeting throughout.

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

18. MINUTES

Resolved -

That the minutes of the meetings held on 13 August and 10 September 2009 be signed as a correct record.

19. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

20. MONITORING OFFICER'S REPORT ON COMPLAINTS

The Monitoring Officer reported to the meeting the receipt of complaints notified to her, the stage that those complaints had reached and the final outcome on the consideration of complaints, where appropriate.

The Monitoring Officer highlighted that better progress on investigations was now being made. She also noted that an investigation being carried out by Standards for England (SFE) was due to be reported on in the near future.

Members discussed their requirements in respect of the documentation they needed to consider when they sat as an Assessment Sub-Committee. It was agreed that Members would prefer to have reading time at the commencement of an assessment rather than having documentation sent out in advance.

In response to a question from a Member, it was clarified that a Consideration Sub-Committee would have the discretion to disagree with a Monitoring Officer's decision that there had been no breach of the Code of Conduct but that there must be a hearing if the Monitoring Officer considered there had been a breach of the Code.

No resolution was passed in respect of this item.

ACTION: *No Action*

21. **FEEDBACK FROM THE EIGHTH NATIONAL ASSEMBLY OF STANDARDS COMMITTEES**

Members were reminded that the eighth National Assembly of Standards Committees had taken place on 12 and 13 October 2009 in Birmingham.

Members who had been delegates at the assembly were invited to give feedback to the Committee.

The Chair gave a detailed oral presentation covering her view of the Assembly, highlighting the following points in particular:-

- the dramatic change within SFE now that it was a regulatory body
- the future role of SFE
- if SFE were to be abolished, what would happen to all the good work that had previously been done ?
- there would be a national assembly in 2010 but it would be the final one
- the Chief Executive's review of the past year was contained in the Annual Review, which was available on-line and which she recommended to the Committee. The focus of that Review was proportionality and use of the legislation and, in the view of the Chief Executive, far too many complaints were being investigated in view of the number of findings of 'no breach' at the end of those investigations
- hot topics for this year would be the general election, the revised code, issues of risk, timelines and vexatious complaints

The Chair had attended a number of plenary sessions, of which a session entitled "on the brink" had been extremely interesting as it had used a real local authority's case as an example.

Of the workshops she had attended, she considered that the one on being a highly effective Standards Committee would be a useful item for a future agenda.

The Monitoring Officer noted that the Chief Executive's views on the number of complaints being investigated did not accord with the growing feeling from Local Authorities that the present system did nothing to exonerate a Member if there was no investigation.

The second Member of the Committee who had attended the Assembly then gave his views. He too considered that the workshop which used a real local authority to be the most interesting. As a Parish Councillor, he had attended workshops geared towards Town and Parish Councils but had considered that SFE still had a long way to go on engaging with such authorities. In his view, the most useful function of the Assembly was the opportunity to network with other delegates.

The Chair remarked that there had been a session on new forms of electronic communication such as "twitter" and "blogging" and Members considered that they should schedule a future agenda item on electronic communication, including the use of blogs and commentary websites such as those offered by the press.

A Member noted that the law of defamation applied equally to all electronic forms of communication as it did to other written forms.

No resolution was passed in respect of this item.

ACTION; No Action

22. **CRITERIA FOR REFERRAL BY THE ASSESSMENT SUB-COMMITTEE FOR OTHER ACTION**

The Monitoring Officer presented a report (**Document “G”**) in which Members were invited to consider updated guidance to the Assessment Sub-Committee which included more details of the criteria to be used when considering a referral for other action.

Resolved –

That the guidance note attached as appendix 1 to Document “G” be noted.

ACTION: No Action

23. **ENGAGING WITH PARISH COUNCILS**

Document “H” set out the constitutional role of the Standards Committee in respect of Parish Councils and requested that Members considered how the Committee engaged with Parish Councils in order to properly undertake that role.

The Monitoring Officer noted that the Bradford District did not get the number of complaints about Parish Councils that other local authorities did but she was aware that Parish Clerks had to deal with many difficult issues within their Councils even though they did not come forward as complaints.

A Member concurred with that view, noting that clerks did a difficult job extremely well and considered that they could benefit from more support.

The Committee discussed the issue of offering support without overburdening clerks with extra meetings/forums to attend and being mindful of the need to offer different levels of support bearing in mind that Parish Councils comprised a wide range of authority type.

It was agreed that facilitating opportunities for clerks to network with each other would provide a valuable opportunity to share experiences around the remit of the Standards Committee.

A Member noted that an officer of the Council had previously been to meetings of Parish Councils to advise on the Code of Conduct but that had not happened for some time.

The need to offer support in a sensitive manner and not to patronise or overwhelm Parish Councils was stressed as was the need for personal responsibility and self-help within Parish Councils in order to comply with the Code.

The assistance that was already available, both for Councillors and Clerks was highlighted, such as training by YLCA.

Members also noted the importance of the role of the Chair in ensuring good conduct during meetings.

A Member stressed the value of getting Parish Councils together to share experiences and support each other rather than Parishes being given instructions.

District Councillors on the Committee advised that they had been mentored when they were newly elected and that they had found this extremely useful.

A Town Councillor on the Committee noted that the Councils with representation on the Liaison Committee were well served for advice and that there was a standard item on the Liaison Committee's agenda to promote standards issues but as that Committee met quarterly its work on such matters had limited success.

In response to a question about meeting each Parish Council separately at the start of each municipal year, the Monitoring Officer advised that this would be difficult logistically as there were eighteen Parish Councils.

Resolved –

That the Monitoring Officer be requested to write to all town and parish clerks to invite them to a meeting to discuss their various requirements for support in respect of the Code of Conduct and associated governance issues.

ACTION: Assistant Director, Corporate Services (City Solicitor)

24. ADJUDICATION PANEL FOR ENGLAND DECISIONS

The Monitoring Officer presented a report (**Document “J”**) in which Members were invited to consider summaries of recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members.

She advised that she had chosen the two example cases highlighted in the report because they covered issues that would be pertinent to Members when they undertook local investigation such as the level of the "bar" set for investigation; the issue of supporting documentation being provided by the subject member rather than being requested by the Committee and the issue of "well-being" in relation to disclosures of interest.

Resolved –

That the information contained in Document “J” be noted for future reference.

ACTION: All Members

25. 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 and the Monitoring Officer be requested to add items in respect of :

- **Proportionality and setting the bar for investigation of complaints**
- **The revised Code of Conduct**

- **Embedding standards**
- **Standards and Partnerships**
- **The Highly effective Standards Committee**
- **Engaging with Town and Parish Councils – Outcome of Consultation**

ACTION: *As Above*

26. WEST YORKSHIRE REGIONAL STANDARDS CONFERENCE

The Committee was asked to consider **Document “I”** which set out proposals for a second West Yorkshire Regional Conference.

The Monitoring Officer reminded all those present that the first conference had been held in July 2009 and that it had been well attended and well received. She suggested that a second conference be held at the same time of the year in 2010 and that it could include items on disrespect and disrepute / the revised Code of Conduct and Members' public – private capacity.

A Member also requested items on alternative action and the Whips' perspective.

Members discussed the affordability of a second conference in the present economic climate and were reminded that the first had been held on a stringently cost effective basis.

Resolved –

- (1) That a second West Yorkshire Regional Standards Conference be arranged and that the following issues be considered for incorporation into the event:**
 - **Disrespect and disrepute**
 - **The revised Code of Conduct**
 - **The public life/private life divide**
 - **Revisiting alternative action**
 - **Ethics and standards from a group whip's perspective**
- (2) That the Monitoring Officer report the Standards Committee preferences to the meeting of the West Yorkshire Chairs and Vice Chairs for their consideration.**
- (3) That the second conference be organised on the same cost basis as the previous one.**

ACTION: *As previous*

Chair

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