

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Standards Committee held on Tuesday 26 January 2010 at City Hall, Bradford

Commenced 1400
Adjourned 1545
Reconvened 1550
Concluded 1705

PRESENT –

Independent Persons

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

Parish and Town Council Members

Parish Councillors Bowen, Jay and Mitchell

Councillors

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

Apologies: Councillor Binney

Mrs Essler in the Chair

35. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.



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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



36. **MINUTES**

Resolved -

That the minutes of the meeting held on 3 December 2009 be signed as a correct record.

37. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

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

38. **MONITORING OFFICER'S REPORT ON COMPLAINTS**

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

Members congratulated her on the progress now being made on complaints.

In response to a question, she advised that the tight timescales on complaints meant that any received in the period up to the elections must continue to be dealt with as usual.

Resolved –

That the Monitoring Officer's update be noted.

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

39. **PROTOCOL ON MEMBER/OFFICER RELATIONS**

The Committee was invited to consider **Document "M"** which contained the Protocol on Member/Officer relations and to discuss a review of the Protocol.

The Monitoring Officer advised that there had been some concerns raised about member/officer relationships which had included questions at Council. Those concerns had included the length of time that it took to respond to Member enquiries. She suggested that it might be helpful to have a small working group to examine the existing protocol and to consider its dissemination.

Members considered that the existing protocol was a good base document and made the following additional suggestions:-

- the use of plain English throughout
- using an independent member to ensure officers had the confidence to comment openly
- ensuring that all staff were aware of it and followed its guidance

- looking at member induction and including the protocol in that process
- including guidance on electronic communication
- considering refresher training for established members
- that the current document be sent to the political groups for comment

Members considered those points should be borne in mind by the review group.

Resolved -

- (1) **That a review of the Protocol of Member/Officer Relations contained in Document "M" be undertaken.**
- (2) **That a review group with the composition shown below be established to undertake the review:**
 - **Two district councillors – Councillors Ferriby and Owens**
 - **One parish councillor – Councillor Mitchell**
 - **One independent member – Mrs Essler or Dr Ison**
- (3) **That the review be inclusive and impartial and that it bear in mind the importance of communication and dissemination.**
- (4) **That the existing protocol be disseminated to political groups for comment.**
- (5) **That the existing protocol be disseminated to Assistant Directors for comment.**
- (6) **That a further report be submitted to the Standards Committee in April 2010 on completion of the review with proposed amendments to the Protocol on Member/Officer Relations.**

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

40. LOCAL ASSESSMENT OF COMPLAINTS - "SETTING THE BAR"

The Committee was invited to discuss the local assessment procedure in the context of allegations of minor misconduct, particularly in reference to the level of misconduct which would constitute a breach of the Code of Conduct.

It was noted that it was difficult for complainants to accept that allegations of misconduct would not be investigated because they had not reached a certain level or "bar". It was also noted that current guidance from Standards for England (SFE) was not clear.

Members commented that local investigation meant that the local perspective could be taken into account and that it was perfectly possible for two panels, ie assessment and review, to take a different view.

Members also took the view that the "crib" sheet that panels currently used during the assessment process was enormously useful.

The Monitoring Officer commented that a good level of debate, including dissention, was important to ensure that complaints were thoroughly assessed, particularly if the outcome was a decision of 'no action'.

She reminded members that subject members were dissatisfied that the present process gave no opportunity for exoneration if a decision of “no action” was reached in respect of a complaint against them and that they had no right to request a review of such a decision, even though complainants did.

Resolved –

That the discussion be noted.

NO ACTION

41. **ADJUDICATION PANEL FOR ENGLAND DECISIONS**

The Committee was invited to consider **Document “N”** which contained summaries of recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against members.

The Monitoring Officer advised that she had chosen the two examples contained in the report because they showed that:

- members could not rely on a defence of ‘not remembering’ an incident, if it were complained about.
- the SFE took a very poor view of attempts by a subject member to discredit a complainant
- the sanctions open to a Standards Committee were limited strictly to those listed by the SFE and committees did not have discretion to impose their own sanctions.

Members noted that, if it were established that there had been a breach of the Code of Conduct, an apology could be required.

The Committee discussed in some detail the issue of the payment of allowances during a period of suspension and were advised that current guidance from the SFE was that allowances could not be withheld from members unless they breached the present rule on attendance at meetings within a six month period.

Members noted that Bradford had an independent Remuneration Panel and considered that it should be requested to look into the issue of suspension of allowances as they considered that the continued payment of allowances to suspended members did not send out an appropriate message.

Resolved –

That the Independent Remuneration Panel be requested to consider suspension of all allowances paid to a member of Council who has been suspended as a result of a breach of the code of conduct.

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

42. STANDARDS COMMITTEE WORK PROGRAMME

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

NO ACTION

43. EXCLUSION OF THE PUBLIC

Resolved –

That the public be excluded from the meeting during consideration of the item relating to an investigation under S59 Local Government Act 2000 by Standards for England into an allegation concerning Councillor B M Smith on the grounds that if they were present, exempt information within Paragraphs 1 (Information relating to an individual) 2 (information identifying an individual) and 3(financial or business affairs) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed.

44. REPORT OF AN INVESTIGATION UNDER S59 LOCAL GOVERNMENT ACT 2000 BY STANDARDS FOR ENGLAND INTO AN ALLEGATION CONCERNING COUNCILLOR BRIAN MARTIN SMITH

Members were reminded that Standards for England had requested that the Standards Committee be brought the above report to assist in discharge of its functions.

The report of the Assistant Director Corporate Services (City Solicitor) (**Document "O"**) contained at Appendix 1, Case Summary SBE-06997-NNQOS and at Not for Publication Appendix 2 - Standards for England report of investigation SBE-06997-NNQOS.

Resolved -

- (1) That the Monitoring Officer provide a future report setting out the system of ensuring that the members' register of interests is completed and updated.**
- (2) That it be noted that the review of the planning protocol is already on the work programme and it be requested that the recommendations of the Ethical Standards Officer be considered as part of that review.**
- (3) That assurance be sought from Group Leaders and the Chief Executive that all members and officers are compliant with formally agreed protocols and that they are aware of the process for raising any concerns.**

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

45. **CHAIR'S ANNOUNCEMENT**

The Chair advised that this would be the last meeting attended by Town Councillor Anne Jay, whose term of office was shortly due to come to an end.

She thanked Anne for her helpful and pragmatic advice on the issue of working with Parish Councils and, on behalf of all members of the Committee, advised that her input would be much missed.

Councillor Jay thanked the Chair for her kind words and said how much she had enjoyed her time on the Committee

Chair

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