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Minutes of a meeting of the Standards Committee held on Thursday 20 May 2010 at City Hall, Bradford

Commenced 1435
Concluded 1640

PRESENT –

Independent Persons

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

Parish and Town Council Members

Parish Councillors Bowen and Mitchell

Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	A Thornton	Middleton
D Smith		

Apologies: Mr Dobson, Councillor Owens, Councillor Ferriby and Councillor Lee

Observer: Mrs Mullen

Mrs Essler in the Chair

56. CHAIR'S WELCOME

The Chair welcomed Mrs Annette Mullen to the meeting and advised Members that Mrs Mullen was the prospective new independent member of the Committee.

Although her membership would not be voted on until the Annual General Meeting of Council on 25 May 2010, Mrs Mullen attended the meeting to observe the business of the Committee.



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



57. CIVIC THANKS TO THE RETIRING CHAIR

The Lord Mayor, Councillor Godward and his Lady Mayoress, Mrs Godward attended the commencement of the meeting and the Lord Mayor gave a brief address to thank Mrs Essler for her service over the past eight years as Chair of the Standards Committee. He presented Mrs Essler with a small gift on behalf of the Members of the Committee in appreciation of her work.

Mrs Essler thanked the Lord Mayor for his kind words and said how much she had enjoyed her time on the Committee.

58. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received at the commencement of the meeting but Councillor Middleton disclosed a personal and prejudicial interest in the item relating to the Highly Effective Standards Committee (Minute 62) as a group chief whip and a member of Corporate Governance and Audit Committee.

As the interest was personal and prejudicial he left the meeting during consideration of that item.

ACTION: Assistant Director Corporate Services (City Solicitor)

59. MINUTES

Resolved -

That the minutes of the meeting held on 4 March 2010 be signed as a correct record.

60. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

61. REVIEW OF THE PLANNING CODE OF CONDUCT

The joint report of the Assistant Director Corporate Services (City Solicitor) and Assistant Director Planning (**Document "W"**) set out proposals and options for amendments to the Council's Planning Code of Conduct following review.

The report also outlined the action taken by the Council in response to recommendations made by the Standards Board's Ethical Standards Officer in response to an investigation into the conduct of a councillor under complaint number SBE-06997-NNQOS.

The Council's solicitor with responsibility for planning panels attended the meeting and explained in detail the amendments proposed to the Planning Code of Conduct. He also outlined the consultation that he had undertaken with the political groups and advised that he had received no feedback as yet.

Amendments highlighted particularly were:-

- the change of name to the Code to reflect that it applies equally to officers as it does Members
- the separation of the concepts of interest and predetermination
- an update to the requirements for planning applications made by officers
- clarification on how to proceed when a planning matter came into conflict with a professional Code of Conduct
- guidance on gifts and hospitality
- the removal of the provision for Members to refer matters to a planning panel as that was a duplication of the provision already set out in the scheme of delegation.

Several Members expressed some disquiet about the last of the amendments listed above as the provision was well used by Members and they were concerned that its removal from the scheme would prevent Members from being aware of it.

The solicitor advised that the provision should be consistently applied at all times and should be as set out in the scheme of delegation. Members agreed with the need for consistency but were very concerned that the scheme of delegation stated that Members referring matters to planning panels must have a valid planning reason. This, they considered, undermined Members' representational role.

The Monitoring Officer advised that it was not the intention to prevent Members bringing items to panels but chairs of planning panels had previously expressed concern that items had been referred to panels but no-one had attended the meeting to speak on the matter. This had meant that some items had been considered at panels when it had not been necessary.

Members did not consider that the right of Members to refer matters should be removed from the Code of Conduct, whatever the justification.

They also advised that there had been a resolution of Council in December 2009 (Council minute 76 refers) on this issue and that investigation should be undertaken as to whether progress had been made in respect of that resolution.

A Member noted that, when planning panels made decisions on applications, they must do so on planning grounds only, so he considered it reasonable that Members referring matters to panel must do so on the same grounds.

A Member also noted that, although there had not yet been any feedback from the consultation process, it had begun in April which was a very busy time for Members. There was still every chance that responses could be made.

A Member considered that the issue of Member consultation should be addressed in instances when a decision was changed during the officer consideration process, he advised that Members should be kept involved throughout.

Members discussed the provisions in the Code for those Members who were also appointed as members of other bodies by the Council, such as school governing bodies, not to have to disclose a personal interest if a matter pertaining to that body came before a planning council. Members were in agreement that there may still be an issue of predetermination and that Members should exercise both caution and common sense when assessing whether they should remain in the meeting.

It was noted that among the amendments to the Code, there would in future be a requirement for Member training.

Resolved –

- (1) That the proposed amendments to the Members Planning Code of Conduct contained in the Appendix to Document “W” be noted and recommended to the Corporate Governance and Audit Committee for adoption by Council, save for the amendment described in (3) below.
- (2) That the action taken by the Assistant Director Planning and the Assistant Director Corporate Services (City Solicitor) in response to the recommendations made by the Standards Board’s Ethical Standards Officer in response to an investigation into the conduct of a councillor under complaint number SBE-06997-NNQOS be noted.
- (3) That this Committee does not agree with the proposed amendment to paragraph 14.1 of the appendix to Document “W”.

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

62. THE HIGHLY EFFECTIVE STANDARDS COMMITTEE

Previous Reference: Minute 53 (2009/10)

At the meeting of the Committee held on 4 March 2010 Members had been invited to discuss what constituted a highly effective Standards Committee and had been asked to complete a feedback sheet that had been circulated at the Standards for England Annual Assembly when the same item had been considered.

The Assistant Director Corporate Services (City Solicitor) presented a report (**Document “T”**) which collated feedback from the discussion, in particular she highlighted the issue of developing a good working relationship with the political group whips as their support was invaluable in ensuring a general standard of good behaviour. She also noted the possibility of fostering a good working relationship with the Corporate Governance and Audit Committee, with which body the Standards Committee had some common ground.

In response to a Member question, she advised that summaries of complaints were not currently provided to the whips but she would be interested in instituting a regular whips briefing to go through the public decision notices.

A town and parish representative noted that it would be useful if parish clerks had that information also.

Members considered that it may be appropriate for the Chair and Deputy Chair of the Committee to have an informal discussion with the group whips in the first instance.

A Member also raised the issue of timescales when dealing with Member complaints, particularly in respect of responses by subject or complainant members once an investigation was underway. He considered that work could be done to ensure more timely responses were received or to ensure that investigations could continue if responses were not forthcoming.

Resolved –

- (1) That items on fostering a good working relationship with the group whips and with the Corporate Governance and Audit Committee be added to the work programme.
- (2) That a progress report be presented to a future meeting of the Committee on the items described in appendix 1 to Document "T".

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

63. ANNUAL REVIEW OF COMPLAINTS RECEIVED

The Committee considered **Document "U"** which provided information on complaints received during the municipal year 2009/10.

The Monitoring Officer advised that the picture given in the report reflected the national situation in that 50% of the complaints concerned disrespect or disrepute.

She considered that Member training would continue to be important in addressing that but that it was also important to give guidance to complainants to ensure that they realised that they could not use this route to complain about service provision.

Members noted that complainants were provided with a copy of the Code of Conduct which they were sent a complaint form to complete but considered that it was not an easy document to use and a more user friendly guidance note would be helpful.

The other issue that she drew to Members' attention was that of declarations of interest, particularly in relation to town and parish councils.

A town and parish representative advised that complaints in relation to disrespect within parish councils rose dramatically in the first six months after parish council elections as all Members came to the end of their terms of office at the same time. There was, therefore, the potential for a number of new and inexperienced members to join a parish council at the same time. He advised that this might well be the situation in the summer of 2011.

The Monitoring Officer undertook to discuss with Parish Clerks the issue of induction for new Members.

Resolved –

That the following matters be progressed in order to deliver improvements to the complaints process:-

- **The development of a guidance note to go out with the complaints form**
- **The revision of the Code of Conduct into a more user friendly document, following receipt of the impending revisions.**
- **Discussion with town and parish clerks on the issue of induction for newly elected town and parish councillors.**

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

64. STANDARDS COMMITTEE ANNUAL REPORT 2009/10

The Assistant Director Corporate Services (City Solicitor) presented **Document “V”** to which was appended the draft Annual Report for the Committee for 2009/10.

Resolved –

That the draft Annual Report attached to Document “V” be noted.

No Action

65. ADJUDICATION PANEL FOR ENGLAND DECISIONS

Members considered summaries of recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against members which were set out in **Document “X”**.

The Monitoring Officer advised that she had chosen those particular examples as they covered two particularly interesting subjects, namely:-

- the disclosure of confidential information
- the split between public duty and personal life, which was particularly relevant at election time.

Resolved –

That the information contained in Document “X” be noted.

No Action

66. 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 as amended at this meeting be noted.

ACTION: Assistant Director, Corporate Services (Monitoring Officer)

Chair

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

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