

# City of Bradford Metropolitan District Council

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## Minutes of a meeting of the Standards Committee held on Wednesday 29 September 2010 at City Hall, Bradford

Commenced 1400  
Concluded 1530

### PRESENT –

#### Independent Persons

The Very Revd Dr D J Ison and Mrs A Mullen

#### Parish and Town Council Members

Parish/Town Councillors Mitchell and Thompson

#### Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Ferriby	G Reid
Owens		
D Smith		

Apologies: Mr Dobson, Mr Shakeel, Parish Councillor Bowen, Councillors Lee and A Thornton

### The Very Revd Dr Ison in the Chair

#### 18. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

#### 19. MINUTES

#### Resolved -

**That the minutes of the meeting held on 21 July 2010 be signed as a correct record.**



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)

## 20. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

## 21. MONITORING OFFICER'S REPORT ON COMPLAINTS

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

Further to discussions at the previous meeting in respect of a complaint that had not been concluded as guidance from Standards for England had been pending, she reported that she had since had the opportunity to discuss the matter with SFE and was minded to proceed on a pragmatic basis. She advised that she would investigate the worth of holding a Consideration Sub-Committee and, in the meantime, ascertain the views of the complainant on the matter.

Members also discussed the issue of ongoing problems once a complaint had been lodged. Concern was expressed that poor standards of behaviour could continue or worsen in the period leading up to a complaint being considered.

The Monitoring Officer advised that there was a timeframe of 20 working days for an assessment to be organised. She referred to case law on the subject in which a Member of a Council had been prevented from entering that Council's premises while their case was assessed and advised that this was considered to be a particularly difficult decision to take as it significantly reduced a Member's ability to undertake their representational role in the period while they were under investigation.

She did, however, take on board Members' concerns about the effects of a delay in organising an assessment, especially in cases where bullying had been alleged. She, therefore, undertook to arrange assessments within a shorter timeframe, wherever possible.

**Resolved –**

**That the Monitoring Officer endeavour to hold assessment panels within 10 working days of receipt of a complaint, wherever possible.**

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

## 22. LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL REVIEW 2009/10

The Monitoring Officer presented a report (**Document "C"**) which contained the Local Government's Ombudsman's Annual Review for 2009/10.

She advised that, in Bradford, there was a very effective practice for dealing with the Ombudsman, in that there was a dedicated liaison officer who dealt with all enquiries.

She also reminded Members of the remit of the Ombudsman, which was to examine complaints to see if there had been any instances of maladministration. She also explained that the Ombudsman could suggest a local settlement in cases where there had been problems.

She highlighted that the Annual Review was very positive and noted that the Council's good record on meeting response times had contributed to this.

In response to questions from Members, she advised that the area receiving most complaints varied from one authority to another, depending on local circumstances and that the number of complaints referred to the Ombudsman did not represent the total number of complaints received by the Council.

**Resolved –**

**That the content of the Annual Review be noted.**

***NO ACTION***

### **23. AMENDMENTS TO THE STANDARDS REGIME**

The Monitoring Officer led the Committee in a discussion on the future of the standards regime, providing Members with a copy of an article that had recently been published which had suggested that the whole of the standards regime was to be abolished. She advised that this could not be confirmed until the proposed legislation was published and noted that it may include a prohibition on local regimes or that there may be no provision for town and parish councils even if local arrangements were permitted.

She raised the issue of the remaining period of office of the Committee, once the Bill had been published, and how practical it would be to continue to assess complaints and commission investigations if the relevant legislation was coming to an end.

Members commented on the issue as follows:-

- in between very serious and frivolous complaints, there was a middle ground which this Committee dealt with very well.
- the electoral process could not always resolve issues involving Member behaviour as alleged indiscretions could not be publicised.
- the public would be unhappy if complaints could not be addressed.
- the Code of Conduct provided a guide and a benchmark to Councillors and reassurance to the public and it was disconcerting that it could be abolished.

The Monitoring Officer advised that it would not be practicable to extend the general complaints system to include complaints involving Councillors. She also reminded Members that, prior to the establishment of the standards regime, complaints had been dealt with informally by group whips. The advent of the regime meant that whole level of experience could not be properly utilised. She considered that a Council should have standards of conduct to aspire to and a framework to use when something went wrong. She also considered that the Code of Conduct had been influential in raising the profile of the requirement for good behaviour but that a major flaw in the current process was the lack of opportunity for exoneration.

Members discussed the possibility of having a local regime which could address such flaws, they considered such a move could be positive but noted that nothing could be done until the new legislative proposals were published.

The Chair concluded the discussion by summarising a number of criteria against which the proposals should be assessed:-

- (i) public accountability
- (ii) ability to weed out trivial complaints
- (iii) ability to address bullying
- (iv) clarity about the involvement of political groups and whips
- (v) clarity about expectations of behaviour and about consequences
- (vi) the use of clear English
- (vii) provision of an appropriate way of assessing Members
- (viii) a sufficiency of sanctions
- (ix) clarity about sanctions
- (x) opportunity for exoneration

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

#### 24. **ADJUDICATION PANEL FOR ENGLAND DECISIONS**

Members were invited to consider summaries of recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members which were set out in **Document "D"**.

The Monitoring Officer noted that the two cases contained in the report had been chosen as they raised interesting points about:-

- robust debate
- confidentiality
- the use of emotive language, such as 'coercion' and 'liar'.

**NO ACTION**

#### 25. **STANDARDS COMMITTEE WORK PROGRAMME**

An updated copy of the Committee's work programme was appended to the agenda for Members' information and the Monitoring Officer undertook to keep it under review in the light of the proposed changes to the regime.

**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