

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Standards Committee held on Wednesday 23 March 2011 at City Hall, Bradford

Commenced 1400
Concluded 1555

PRESENT –

Independent Persons

The Very Revd Dr D J Ison, Mr G Dobson, Mrs A Mullen and Mr M Shakeel

Parish and Town Council Members

Parish Councillors Bowen, Mitchell and Thompson

Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Owens	Ferriby	G Reid
D Smith	Lee	

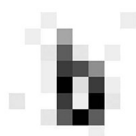
Apologies: Councillors Binney and A Thornton

The Very Revd Dr Ison in the Chair

26. DISCLOSURES OF INTEREST

Councillor D Smith disclosed a personal interest in the item relating to the implications of the Localism Bill for the standards framework in Bradford (Minute 30) as a Parish Councillor. As the interest was not prejudicial he remained in the meeting throughout.

ACTION: City Solicitor



INVESTORS
IN PEOPLE



2009-2010
Positive engagement
of older people
2006-2007
Improving Rural Services:
Empowering Communities



BRADFORD
METROPOLITAN DISTRICT COUNCIL

Suzan Hemingway, City Solicitor

27. **MINUTES**

Resolved -

That the minutes of the meeting held on 23 December 2010 be signed as a correct record.

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

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

29. **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.

She referred to complaint no. 2009/08 which had been outstanding for some time and which was proposed to be left open on file as the individual complained of was no longer in office. At the request of the Committee, she undertook to update the register of complaints to show clearly that the subject member no longer held office.

She then asked for Members' opinion on the assessment of complaints in the pre-election period where the subject member was a candidate for re-election. Such members were extremely vulnerable to complaints that were politically motivated and which could have a disproportionate effect on their career.

Members of the Committee considered that it would be most appropriate to defer assessment of any complaint about a member seeking re-election until after election day in the interests of natural justice and the Monitoring Officer undertook to deal with any complaints received accordingly.

ACTION: Monitoring Officer

30. **IMPLICATIONS OF THE LOCALISM BILL FOR THE STANDARDS FRAMEWORK IN BRADFORD**

The City Solicitor presented a report (**Document "H"**) which set out the implications of the Localism Bill for the Standards Framework in Bradford. The report also reminded Members of their previous informal discussions on this issue and provided at appendix 1 an assessment of key issues by the Local Government Improvement and Development Team of the Local Government Group in partnership with the Association of Council's Secretaries and Solicitors.

The report set out at paragraph 2.15 a number of issues which the Committee was asked to consider.

Prior to considering those issues, Members asked questions of clarification about the report, including:-

- which officer did the Localism Bill refer to when it stated that functions relating to complaints could be carried out by an officer acting under delegated powers?

- what penalties would be available in future?
- would it be possible to take Members off a Committee or withdraw the whip?
- would it be useful for group whips to sit on Standards Committees?
- did neighbouring Councils have a view on joint working?
- what were the implications of failure to observe the proposed regulations on disclosure of interest?
- did the proposed regulations on disclosure of interest apply also to town and parish councils?
- what would be the implications of having no Code?

In response to those queries, the City Solicitor advised that:-

- the Bill did not specify which officer should deal with complaints but it would be important that the same officer did not assess and investigate complaints as there needed to be demonstrable rigour and challenge within the process
- there would be no penalty of suspension in the future. The major sanction would still be adverse publicity in all but the most serious of complaints
- sanctions such as removal from the membership of a Committee would depend on the level of agreement reached with the political groups in respect of the future remit of the Committee. The issue of a reasonable and proportionate response would also have to be borne in mind as it would be important not to be punitive. The issue of withdrawing the whip was much more problematic, especially in a balanced Council
- it could be useful for group whips to serve on the Committee as it would link up with their role as a whip
- there was no firm view on joint working among the West Yorkshire
- there were concerns about the matter of disclosure of interest becoming a breach of the statutory regulations as it was not always clear whether there was an interest to declare and whether an omission was by mistake or deliberate. Members considered that this would present particular problems for planning committees and for small parish councils which could not ensure quoracy if Members were concerned about disclosure
- the proposed statutory regulations did include town and parish councils
- there was no specific implication in the Bill of having no Code as it suggested other avenues should be explored

Having discussed the report in general, the Committee moved on to consideration of the issues set out at paragraph 2.15, which included a series of questions for Members to consider.

Question 1 – Should the Council adopt a voluntary Code of Conduct?

Some Members were of the opinion that there should be no Code as robust group discipline and a Member's own courtesy should suffice.

However, other Members pointed out that not all local politicians had group support and viewed the role of a Code and a Standards Committee as important in maintaining a framework of reasonable behaviour. It was also pointed out that whips used the Code as a tool for group discipline. A Member stated that the Code was most valuable for the general public as it was accessible and provided reassurance on standards of behaviour and investigation of complaints.

It was noted that the absence of a Code would be most problematic for parish councils, which could deal with that by having their own Codes, independent of the district council.

The consensus view was that there was merit to adopting a local Code.

Question 2 – If yes, should the Council revise the existing Code or adopt a new Code drafted locally?

It was the view of the entire Committee that a new Code should be drafted locally rather than revising the present one.

Question 3 – If a Code is to be retained/introduced should there be different processes for dealing with different types of complaints?

Again, the need for a process by which complaints from the public could be dealt with was emphasised. It was also noted that the present Code did not recognise the different type of complaints that were received.

The problems of parish councils having no group structure was reiterated as was the potential for parish clerks to be isolated or vulnerable when difficulties arose. The possibility of parishes having reciprocal arrangements was discussed.

A concern was voiced that the whole process could be too cumbersome if there were different paths for different types of complaint. It was considered that a system similar to that of the Local Government Ombudsman where complaints were sifted before going to a single parent body would be most useful.

The Chair suggested that there should be various individual 'part 1' processes for different complaints but a collective 'part 2'. The Committee agreed with that view.

Question 4 – Should the Council have a separate Standards Committee or should the functions be transferred to another Committee?

It was considered that another Committee would not be viewed by the public as being as independent as the Standards Committee

Question 5 – What, if any, functions can be delegated to an officer?

The Monitoring Officer asked the Committee to consider delegating the initial questions which must presently be considered before an assessment could properly begin to her, in consultation with the Chair, so that meetings were not called unnecessarily.

Members concurred that that would be a sensible way forward.

Question 6 – The Localism Bill proposes that the position of independent members are to be abolished. Should the Council retain co-opted independent members in a non-voting capacity?

All Members agreed that independent members performed a valuable and worthwhile function and that their abolition would be a great loss.

It was also noted that as the independent members provided a worthwhile check and balance that it would be preferable for them to retain their present ability to vote. It was recognised, however, that it was not possible under the Bill.

Question 7 – Is there any merit in having a regional Standards Committee?

Concern was expressed about having a regional Committee as it would not respond to each District's own priorities.

Question 8 – The Localism Bill would remove the requirement for the Council to administer a Code of Conduct for Town and Parish Councils. Is there any merit in continuing to provide this service on a voluntary basis?

It was considered that there was merit in continuing to provide a service to town and parish councils but the financial implications would need to be thoroughly investigated.

It was also noted that a national organisation such as NALC could be interested in providing a watchdog function.

Resolved –

- (1) That the implications of the Localism Bill on the Standards Regime as set out in Document “H” be noted.**
- (2) That the comments of the Standards Committee upon the questions listed in paragraph 2.15 of Document “H” as set out in full below be carried forward by the Monitoring Officer as appropriate:**

Question 1 - Should the Council adopt a voluntary Code of Conduct?

Comment – There is merit in adopting a voluntary Code.

Question 2 - If yes, should the Council revise the existing Code or adopt a new Code drafted locally?

Comment - The Council should adopt a new Code drafted locally.

Question 3 - If a Code is to be retained/introduced should there be different processes for dealing with different types of complaints? Namely:

- **A complaint by a member.**
- **A complaint by an officer.**
- **A complaint by a member of the public.**

Comment – There should be different processes for complaints of different origin but all should have access to the same final complaints body

Question 4 - Should the Council have a separate Standards Committee to implement the Code of Conduct Regime or should the functions be transferred to another committee exercising Council functions?

Comment – There should be a Standards Committee for reasons of transparency and public perception.

Question 5 - What, if any functions can be delegated to an officer?

Comment - The initial questions that an Assessment Sub-Committee must address itself to in order to deal with a complaint should be delegated to an officer to prevent unnecessary meetings.

Question 6 - The Localism Bill proposes that the position of independent Members as it currently stands are to be abolished. Should the Council retain co-opted independent members in a non voting capacity?

Comment - The input of independent members was considered to be very useful so they should be retained. It was regretted that they could not retain the capacity to vote.

Question 7 - Is there any merit in having a regional Standards Committee?

Comment – There was no such merit as such a Committee would not be in touch with local priorities

Question 8 - The Localism Bill would remove the requirement for the Council to administer a Code of Conduct for Town and Parish Councils. Is there any merit in continuing to provide this service on a voluntary basis?

Comment – There could be merit in continuing a service to Town and Parish Councils but there would be financial implications to consider and there may be other arrangements for such Councils.

ACTION: City Solicitor

31. STANDARDS COMMITTEE WORK PROGRAMME

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

The Monitoring Officer also noted that the Annual Review and Annual Report would need to be presented to the final meeting of the municipal year.

The Chair noted that the report on the use of Council resources should also be considered a priority.

ACTION: City Solicitor

32. CHAIR'S ANNOUNCEMENT

The Chair noted that this was the last meeting before the forthcoming elections and that Councillor Owens was not standing for re-election. He thanked Councillor Owens for his service on the Committee.

He also wished good luck to all those Members of the Committee who were standing for re-election.

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Committee. minutes\sta23mar