

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Standards Committee held on Thursday 29 September 2011 at City Hall, Bradford

Commenced 1400
Concluded 1535

PRESENT –

Independent Persons

The Very Revd Dr D J Ison and Mrs A Mullen

Parish and Town Council Members

Parish Councillors Bowen and Mitchell

Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Ferriby	G Reid
	A Thornton	

Apologies:- Mr Dobson, Mr Shakeel, Parish Councillor Thompson, Councillors Kelly, Lee and D Smith

The Very Revd Dr Ison in the Chair

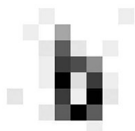
14. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received at the commencement of the meeting but the following disclosures of personal interest were made at the commencement of the item in respect of the Officer Code of Conduct (Minute 20):-

- Councillors Ferriby and Thornton and Mrs Mullen as members of a trades union/professional body.
- Parish Councillor Bowen, Suzan Hemingway and Tracey Sugden as officers of the Council.

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

ACTION: *City Solicitor*



Suzan Hemingway, City Solicitor

15. **MINUTES**

Resolved -

That the minutes of the meeting held on 3 August 2011 be signed as a correct record.

16. **CHAIR'S NOTE**

The Chair noted that, at the last meeting, the Members Register of Interests had been discussed and it had been agreed that the final draft of the template form should be circulated to Members of the Committee before being used. That had since been done and, in response, a Member had provided a small number of extra suggested amendments.

The Chair read out the suggestions and it was agreed that two of them should be taken up, namely:-

- that, at question 1.1, it state "in relation to your above employment are you....."
- that, at question 9, the composite list be provided.

Another Member had asked whether the form could be provided/amended on line and the Committee agreed that should be considered in the future.

The Monitoring Officer also advised that other Districts had requested the revised template, as had Parish Councils.

ACTION: City Solicitor

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

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

18. **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 complaints, where appropriate.

She noted that all current complaints were progressing as expected.

NO ACTION

19. **LOCAL GOVERNMENTS OMBUDSMAN'S ANNUAL REVIEW 2010/11**

The City Solicitor presented a report (**Document "B"**) in which the Local Government Ombudsman's Annual Review was presented to Members for their consideration.

She noted that the statistics were not straightforward to interpret as complaints could be submitted in one year but resolved in another. Last year quite a high number of complaints had been submitted to the Local Government Ombudsman (LGO) prematurely, which had affected the comparison of total numbers of complaints received.

She advised that the most valuable comparisons to be made from year to year would be in respect of trends and service areas complained about. In Bradford, the main areas were planning, education and adult services as these were the most contentious areas. If there were a significant rise in the number of complaints received without explanation, that would give cause for concern but there was nothing in the review of that nature.

She advised that the Council had a good working relationship with the LGO and had been involved in positive meetings with her officers recently.

A Member queried whether any tracking was undertaken to ensure that LGO recommendations were carried out and the Monitoring Officer undertook to investigate current practice and whether the LGO was proactively advised that her recommendations had been enacted.

In response to a question about why the highest number of complaints concerned children's services, Members were informed that areas such as school appeals were more subjective than regulatory matters such as planning, so people felt more able to complain or challenge their decision.

The Monitoring Officer also advised that where she was satisfied that there was maladministration she had powers to recommend to Council to settle a complaint and to award compensation.

Members were mindful of the need to take a balanced view on complaints, noting that only 16 had been referred back to the Council from over 124 original complaints. They acknowledged that some complaints were made simply because the person concerned was unhappy about the decision.

Resolved –

- (1) That the Monitoring Officer investigate current practice in terms of tracking action recommended by the Ombudsman and confirming with her that recommended action has been undertaken and report the outcome of those investigations to a future meeting of the Committee.**
- (2) That the next Annual Review be accompanied by the statistics in this Annual Review for comparison purposes.**
- (3) That the next Annual Review be accompanied by a précis of the complaints received and handled locally over the same period of time for comparison purposes.**

ACTION: City Solicitor

20. OFFICER CODE OF CONDUCT

The report of the City Solicitor (**Document “C”**) provided a draft Officer Code of Conduct for consideration by the Committee.

The Monitoring Officer advised that the introduction of a Code had been a longstanding issue which had been held up by the expectation that a national Code would be produced which would supersede and possibly conflict with any local Code. However a national Code had not yet been produced and the Audit Commission had recommended that the Council should move forward on this issue.

The draft Code attached to the report had been designed to be very similar to guidance documents that already existed at the request of the Trades Unions and discussions with the Unions had been very positive. They had agreed the draft Code and it was due to be considered by the Corporate Governance and Audit Committee on the next day.

Members were requested to comment on the draft Code and suggest any amendments which they would like to be presented to the Corporate Governance and Audit Committee.

Having considered the draft Code in detail, it was:-

Resolved –

That the suggested amendments set out below be forwarded to the Corporate Governance and Audit Committee for consideration:-

Page 1 – first paragraph

The words “in consultation with staff and Trade Unions” to be added to the end of that paragraph.

Page 2 (and throughout)

The use of numbering and bullet points to be regularised for ease of use.

Page 3 (f)

To include written and electronic communication and social media.

Page 4, Section 2.5, final paragraph

To include the sum £25 as the relevant value.

Page 4, Section 2.6, second paragraph

To be reworded to read “Employees must notify their supervisor of any relationship of their own or through family (be it business or social) to any contractor, supplier, job applicant....” for greater clarity.

Page 5, Section 2.7, 5th bullet point

Correct typographical error – “its functions”.

Page 5, Section 2.8

Delete the word “of” in the second line and include provision for permitted public service.

Page 6, Second whole paragraph

Delete “approval” from final line.

Page 7, Section 3, third paragraph

Include “and agreed protocols” after “procedures”.

Page 8, first paragraph

Reword the end of the sentence to read “may reasonably be regarded as affecting the reputation of the Council, the credibility of the service offered or the integrity of the employee”.

Page 10, section 8

Part way through the first paragraph to be reworded to read “Such behaviour may be physical, verbal, non-verbal or written.....”

ACTION: City Solicitor

21. STANDARDS COMMITTEE WORK PROGRAMME

Members were advised that the Committee’s work programme that had been considered at the previous meeting remained extant.

The Monitoring Officer advised that it was difficult to plan the future work programme as the situation in respect of the Code of Conduct was so unclear. She read extracts from the Local Government Lawyer Magazine of 7 and 15 September 2011 which indicated that amendments to the Localism Bill were being proposed by the House of Lords in order to retain a Code of Conduct in some form. Furthermore, consideration of the Bill had already been delayed twice so it was very likely that at the meeting scheduled for 9 December 2011, there would be no clear direction to report to Members.

Members were of the opinion that it would still be useful to meet in December, but in a more informal manner, to discuss the future of the Code locally and prepare a draft which could be used whether Councils were permitted or required to have arrangements in place.

Resolved –

That the meeting scheduled to be held on 9 December 2011 be rearranged to be an informal meeting to discuss the future of the Code of Conduct and the Standards Committee and that the political group whips be invited to attend.

ACTION: 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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