

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Standards Committee held on Wednesday 20 June 2012 at City Hall, Bradford

Commenced 1405
Concluded 1510

PRESENT –

Independent Persons

Mr G Dobson and Mrs A Mullen

Parish and Town Council Members

Parish Councillor Thompson

Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Kelly	Ferriby	G Reid
	Smithies	

Apologies: Parish Councillor Bowen, Councillors Binney, Javed and Thirkill

Mr Dobson in the Chair

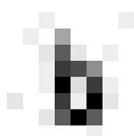
1. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

2. MINUTES

Resolved -

- (1) That the minutes of the meeting held on 17 May 2012 be signed as a correct record.



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

- (2) That the minutes of the meeting of the Determination Sub-Committee held on 28 July/23 November 2011 be signed as a correct record.
- (3) That the minutes of the Consideration Sub-Committee held on 22 March 2012 be signed as a correct record.

ACTION: *City Solicitor*

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

4. APPOINTMENT OF HEARINGS PANELS

The Committee was advised that the Constitution required it to appoint the following Sub-Committees:-

- i) Assessment Sub-Committee
- ii) Review Sub-Committee
- iii) Consideration Sub-Committee
- iv) Determination Sub-Committee

The Sub-Committees were required to hear and determine allegations of breach of the relevant code(s) of conduct by Members of Council and of Parish and Town Councils respectively.

The City Solicitor advised that the appointment of the Sub-Committees was required as an interim measure to deal with outstanding complaints which had already been submitted. The most recent guidance was that complaints received after this meeting should be dealt with under the new regime.

Resolved –

That the Assessment, Review, Consideration and Determination Sub-Committees be appointed with memberships and role and functions as contained in the Constitution and subject to the Rules of Procedure contained in Part 3 of the Constitution adopted by Annual Council on 22 May 2012.

ACTION: *City Solicitor*

5. FUTURE OF THE STANDARDS REGIME

Previous Reference: Minute 25 (2011/12)

Following on from the discussion at the last meeting of the Committee, the City Solicitor presented a report (**Document “A”**) which considered the future of the Standards Committee arising from the changes set out in the Localism Act 2011.

She advised that the recommendations set out in Document "A" would also be presented to the Corporate Governance and Audit Committee and Full Council.

She reminded Members that the Localism Act had removed the previous standards regime but not the requirement to have a Code of Conduct or to promote good conduct and high standards among Members. In her view that meant there should be a Committee of the Council with that remit.

In response to the requirement to have a Code of Conduct she had drafted a Code which was appended to Document "A".

She noted that the Council no longer had the authority to have voting co-opted members on the Committee but it could still have non-voting members and the political view was that it should do.

She also noted that NALC, the advisory body for Parish Councils, had also drawn up a draft Code of Conduct especially for Parish Councils, which she had seen and was not opposed to Parish Councils in Bradford using.

In response to a question from the Parish representative, she advised that if Parish Councils did not adopt the draft proposed by NALC, they would not automatically go forward to Bradford's new Code but would stay with the Code they had previously adopted.

The Chair queried why it was necessary to have separate Codes and was advised that the previous statutory Code had proved very onerous and complex for parishes, which needed a straight forward basic Code reflecting their business while still upholding the Nolan principles of standards in public life. She advised that, thanks to the good work of the Parish Council Liaison Committee, it seemed that there was consensus agreement to having one Parish Code of Conduct across the district.

Members were concerned to note the new requirement to have an independent person with the dual role of advising both Members who were the subject of a complaint and the Committee which considered those complaints. Members expressed some doubt about the "independence" of a person who had already been called upon to express an opinion.

The City Solicitor agreed with those concerns, noting that it could seem to Members and the general public that the independent person was there to represent Members whereas in fact that was not the case. She considered that very clear guidance and training would be required.

Members were not pleased that, after so much work had already been done on moving to the new regime, there was still such a high level of uncertainty about the role of the independent person.

In response to a question from a Member, the City Solicitor advised that there was no provision in the legislation for the independent person to contact the complainant direct.

The City Solicitor also advised that, as the role of the independent person was so unclear, it may be necessary to restrict it to advising subject Members on process.

Members discussed the need to maintain the standing of the Committee in future and noted that the biggest deterrent to poor standards of behaviour would remain, as now,

adverse publicity as public perception would always be around the breach of the Code rather than any sanction imposed.

Resolved –

It is recommended to Council that:

- (1) A Chair of Standards Committee be appointed from the elected members on the Committee.**
- (2) The Parish Council Liaison Committee be asked to nominate 2 Parish Councillors to be co-opted non-voting members of the Standards Committee.**
- (3) One of the existing Independent Members of Standards Committee be appointed as the Independent Person.**
- (4) The Independent Person be appointed as a co-opted non-voting member of the Standards Committee.**
- (5) The new Code of Conduct as set out in Appendix A to this report be adopted.**
- (6) The Procedure for considering complaints alleging failure to comply with the Code of Conduct as set out in Appendix B to this report be adopted.**
- (7) The City Solicitor be given delegated authority in consultation with the Leader of Council to make such amendments to the Constitution as are necessary to implement the decisions of Council.**

ACTION: City Solicitor

6. THANK YOU TO RETIRING INDEPENDENT MEMBERS

The City Solicitor led the Committee in thanking the current independent members, who would shortly be leaving the Committee, for their sterling work on behalf of the Council.

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