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Minutes of a meeting of the Standards Committee held on Wednesday 16 January 2013 at City Hall, Bradford

Commenced 1005

Concluded 1050

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Binney	Ferriby	G Reid
Kelly	Ruding	
	Smithies	

Non-Voting Co-opted Member: Town Councillor Mitchell

Apologies: Mr Shakeel and Parish Councillor Bowen

Councillor Ruding in the Chair

14. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

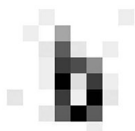
15. MINUTES

Resolved -

That the minutes of the meeting held on 31 October 2012 be signed as a correct record.

16. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



Suzan Hemingway - City Solicitor

17. **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.

In explaining the new complaints received, she noted that one highlighted the need for continued member development on the subject of email correspondence and confidentiality. The Chair expressed some surprise that Members used their official Council email for personal emails and asked that his colleagues advise their group members accordingly.

Members discussed in some detail the issue of whether a Member ought to be informed immediately a complaint was received in respect of them, even if the Monitoring Officer's initial investigations concluded that the complaint was not valid.

The Monitoring Officer advised that, even though she did not advise Members of the initial receipt of a complaint as a matter course, she did adopt a pragmatic approach and would make a Member aware of any issue involving multiple complaints or Member to Member complaints. However, her view of ordinary single complaints was that it was better not to advise Members unless a complaint was found to have merit in order to avoid unnecessary distress to the Member concerned or to avoid exacerbating a situation which could be easily and quickly resolved by dismissing the complaint.

Members concurred with the view, considering that it was not necessary to be informed of trivial or invalid complaints.

The Monitoring Officer also advised that she did a great deal of informal work outside of the complaints framework, including advising Councillors of allegations which did not amount to a breach of the Code of Conduct but where a problem had occurred that could be resolved by putting the two parties together. She also reminded the Committee that, in the event of ever receiving a very serious allegation, there were other steps that she would be required to take in addition to any consideration of the Code of Conduct.

ACTION: City Solicitor

18. **IMPLEMENTATION OF NEW STANDARDS REGIME – PROGRESS REPORT**

The City Solicitor presented a report (**Document "C"**) which provided Members of the Committee with an update on further progress made in implementing the new Standards Regime in Bradford.

The Monitoring Officer advised that she had reviewed the complaints procedure following on from the training sessions that had been provided and had made a suggested amendment at Appendix 1 to Document "C".

Members were asked to consider the proposed amendment and if approved, to recommend that the Monitoring Officer use her delegated authority under Article 14.5 of the Constitution to make the necessary amendments to the documentation.

The amendment concerned the possible investigation of a potential breach of the Code of Conduct in respect of the non-disclosure of a disclosable pecuniary interest by a Member in a situation where the Police had decided to take no action.

The Monitoring Officer advised that, during the training sessions she had led so far, there had been a general feeling that such a situation would be very unsatisfactory and would lead to a poor impression of Councillor behaviour. Participants had considered that there ought to be some investigation of whether a Councillor had breached the wider principles of the Code by their non-disclosure. The amendment sought to address this anomaly and lead to a more satisfactory conclusion.

Members supported the amendment and the rationale behind it, noting that it improved public perception of Member accountability. They also considered that it highlighted the need for all Members to undertake the training on the Code of Conduct offered by the Monitoring Officer.

A Member pointed out that, if accepting new paragraph (7) as proposed in Appendix 1, it would be appropriate to merge it with existing paragraph (9) for the sake of clarity.

Members also noted that it was always necessary to consider whether an interest breached the wider principles set out in the Code of Conduct and whether, therefore, it would be necessary to withdraw from a meeting even though an interest did not constitute a disclosable pecuniary interest. They considered that some Members remained unclear on this point, in spite of the Monitoring Officer's explanatory letter to all Members, and that therefore the training sessions scheduled for 31 January, 6 February and 27 February 2013 should be a priority for those Members who had not yet attended.

The Parish and Town Council Representative queried whether he or his colleague could attend a meeting of the Complaints Sub-Committee and was advised that, as a Non-Voting Co-opted Member of the Committee, they could only do so if asked to be a representative of a Parish/Town Councillor who was the subject of a complaint.

Resolved -

- (1) That the proposed amendments to the procedure for considering complaints alleging failure to comply with the Members' Code of Conduct at Appendix 1 to Document "C" be approved.**
- (2) That the City Solicitor/Monitoring Officer make the necessary amendments to the documentation under her delegated powers in Article 14.5 of the Council's Constitution.**

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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THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER