

Minutes of a meeting of the Standards held on Thursday 11 September 2014 at City Hall, Bradford

Commenced 1400
Concluded 1450

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
L'Amie	Farley (Ch)	G Reid
D Smith	Ferriby	
	Ruding	

NON-VOTING CO-OPTED MEMBERS:

Parish and Town Council Representative – Councillor G Mitchell

Apologies: Mr M Shakeel, Independent Person

Councillor Farley in the Chair

1 DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

2 MINUTES

Resolved -

That the minutes of the meeting held on 19 March 2014 be signed as a correct record.

3 INSPECTION OF REPORTS AND BACKGROUND PAPERS

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



4 **APPOINTMENT OF A COMPLAINTS SUB-COMMITTEE**

Previous Reference: Council, Minute 25 (2013-14)

The Committee was advised that it was required to appoint a Complaints Sub-Committee. The Sub-Committee would be made up of three Members of the Standards Committee, one of whom must be from the same political group as the subject Member (wherever possible), but not all of the Members would be from the same political group. The Chair would be elected from among the membership at the beginning of the meeting, but could not be from the same political group as the subject Member.

The Sub-Committee was 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.

Resolved –

That a Complaints Sub-Committee be appointed with memberships and role and functions as contained in the resolution of Council made on 10 July 2012 and subject to the Rules of Procedure contained in Part 3 of the Constitution adopted by Annual Council on 10 June 2014.

ACTION: City Solicitor

5 **MONITORING OFFICER'S REPORT ON COMPLAINTS**

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

A discussion took place on the need to make it clear to the press whether councillors were dealing with them in a private capacity or as a councillor and importance of striking a balance between an elected member's private and public life. The Assistant City Solicitor confirmed that the Members Code of Conduct did not have effect in relation to conduct other than where it was in the councillor's official capacity.

A member asked a question regarding a case where it had been decided that there should be no further action noting that the subject member was no longer a councillor. In response the Assistant City Solicitor advised that it would not be considered appropriate to pursue the complaint further if the subject member was re-elected as the elapse of time would be an issue. He added that if the complaint had been serious such as non declaration of a pecuniary interest then it would have been referred to the police.

No resolution was passed on this item

No Action

6. REVIEW OF THE PROCEDURE FOR DEALING WITH COMPLAINTS

The report of the City Solicitor (**Document “A”**) asked Standards Committee to review the existing Procedure for Dealing with Complaints alleging a failure to comply with the Members’ Code of Conduct.

Members discussed the proposed amendment to the Procedure for Dealing with Complaints as set out in paragraph 8.2 of Document “A”. In response to a member’s question the Assistant City Solicitor advised the Committee that the Ombudsman had jurisdiction and could look at the handling of standard’s complaints. He added that there was also the option of judicial review. A member pointed out that deciding what was malicious/vexatious, politically motivated or tit for tat changed depending on the time of year and proximity to an election. The Assistant City Solicitor added that for this reason there was a reliance on the chair’s judgement to make such a decision. It was suggested that an addition be made to the Procedure of Dealing with Complaints that complaints would not normally be processed under either stage 1 or stage 2 of this procedure during the statutory election period for local elections with the exception of any matter which requires referring to the Police under paragraph 7.

Members discussed the proposed amendment to the Code of conduct set out in paragraph 2.8 of Document “A”. A member was of the opinion that the proposal did not enhance the Code of Conduct and that it was not necessary to make the amendment. He questioned the scale of the problem in relation to members co-operating with the procedure. The Assistant City Solicitor explained that the proposed amendment spelled out the duties of councillors beyond their actions as councillors. The proposal was not voted on.

Resolved -

- (1) **That there be an amendment to the Procedure for Dealing with Complaints to allow the Chair of Standards Committee and the City Solicitor/Monitoring Officer to determine that no further action will be taken in respect of complaints at Stage 2 which are thought to be malicious/vexatious, politically motivated, tit for tat or not sufficiently serious to warrant further action.**
- (2) **That the following be added to the Procedure for Dealing with complaints:**
 - 23 (a) **Complaints would not normally be processed under either stage 1 or stage 2 of this procedure during the statutory election period for local elections with the exception of any matter which requires referring to the Police under paragraph 7.**

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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