

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Standards Committee held on Thursday 17 May 2012 at City Hall, Bradford

Commenced 1400

Concluded 1505

PRESENT

Independent Members

The Very Revd Dr D J Ison and Mrs Mullen

Parish and Town Council Members

Councillors Bowen and Thompson

Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
D Smith	Ferriby	G Reid
	Lee	
	A Thornton	

Apologies: Mr Dobson, Mr Shakeel, Councillor Binney and Councillor Kelly

Dr Ison in the Chair

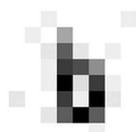
22. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

23. MINUTES

Resolved -

That the minutes of the meeting held on 29 September 2012 be signed as a correct record.



Suzan Hemingway - City Solicitor

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

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

25. **FUTURE OF THE STANDARDS REGIME**

The City Solicitor provided members with a verbal update on the future of the standards regime.

She circulated a draft Members Code of Conduct and a draft procedure for considering complaints alleging a failure to comply with that Code of Conduct and advised that the process of moving to a new Standards Committee would take place in the coming months and would require a report to Full Council.

She explained that the draft Code of Conduct complied with the Nolan Principles of Standards in public life and picked up the themes of those principles without the prescriptive wording of the present Code. The principles would continue to be used to maintain good standards of conduct.

She then explained the process for registering interests and reminded the Committee of the improved registration form which had recently been developed and disseminated. She noted that it had also been provided to parish councils and one parish member present reported that it had received a mixed response from her colleagues. .

The Committee read through the draft Code in detail and the Chair noted that it would be useful to insert the word “reasonably” into the paragraph on honesty and integrity so that it read

“You should not place yourself in situations where your honesty and integrity may reasonably be questioned, you should not behave improperly and should avoid the appearance of such behaviour”.

The City Solicitor then explained the draft procedure for considering complaints which would replace the present process. She hoped the new three stage procedure comprising initial assessment by the Monitoring Officer, informal resolution and consideration by the Standards Committee would be more straightforward than at present. She also noted that complaints regarding non disclosure of pecuniary interests would have to be referred to the Police as the Council would no longer have any authority to act in respect of those complaints.

The Chair asked about the process for dealing with a substantiated complaint in respect of a co-opted member of a committee and was advised that a co-opted member could be removed from a committee by the Council if their conduct warranted such a step.

Parish members queried the proposal that a copy of a complaint be sent to the chairperson of a town or parish council, noting that the clerk was the independent person in such Councils.

Members noted that, under the new arrangements, there would be no possibility of having independent or parish/town council members on the Committee. They considered that there should be parish/town Council non-voting co-opted members on the committee to provide advice on parish complaints.

Members further considered that there should be an amendment to the constitution to permit co-opted members on the Committee to allow parish complaints to be considered, especially as the Committee would have to consider parish complaints but would not have the ability to set a sanction; that would be the responsibility of the relevant parish council.

Members also asked whether there would be training for the new independent person on the committee and were advised that there would be. The Committee was also advised that Counsel's opinion had been sought nationally and had been that current independent members could not continue to serve on Standards Committees. This would have the effect that new and inexperienced independent persons would then be put in the position of advising the Committee.

The Committee then discussed the issue of the possible sanctions which would be available to the Committee and the question of whether to consider complaints in a meeting which was open to the public. Members were concerned that, while publicity was an effective sanction, complaints should not be made public until they had been substantiated. They considered that, if a member was exonerated, they should not have to have details of the complaint against them made public.

The City Solicitor advised that she considered complaints would be considered by a sub-committee, as at present, which would alter its membership to reflect the complaint and that the sub-committee would be able to meet 'in-camera' provided that it could satisfy the provisions of Schedule 12A of Local Government Act 1972.

Members concurred with that view and considered it to be a sensible way forward.

The Committee then considered the issue of whether the Monitoring Officer should be the person to decide that a complaint was invalid due to it relating to an incident which took place a long time ago or which was considered to be trivial, malicious, politically motivated or tit for tat. Members considered these decisions to be subjective and that there would need to be an understanding of history or context before a decision could be made.

Members also considered that the procedure should not include emotive phraseology to describe complaints. They also stated that it should be possible to include in the complaint form a section to state why there was a delay if the complaint was over three months old.

The Chair concluded the discussion by confirming with his colleagues that the draft documents formed a good basis for further progress to be made. He stated how pleased he was to have reached this stage, after so much uncertainty, and that he was sure that this process would be much more straightforward than had previously been the case.

ACTION: City Solicitor

26. STANDARDS REGIME INTERIM ARRANGEMENTS

The City Solicitor presented a verbal report on interim arrangements to be put in place pending the future of the standards regime. She advised that the present arrangements for the Committee would have to continue until the regulations pertaining to the Localism Act 2011 were published and suggested continuing with the current independent and parish members, providing they were willing to do so, until the regulations were available and the Committee could be reconfigured in its new form.

She also suggested that, once the Committee had considered her report on the new process and made its recommendations, any complaints received after that point be held in abeyance until the new process was in place.

She considered that the Committee would still have a rôle to play outside of the consideration of complaints as the Council had a statutory duty to promote standards and good conduct.

Members concurred with her suggestions on the way forward in the interim period until the new Standards Committee was established.

ACTION: No Action

27. RETIREMENT OF CHAIR

The City Solicitor reminded all those present that this was the last meeting for Dr Ison, the current independent Chair, who was leaving Bradford to become the Dean of St Paul's Cathedral.

She led the Committee in thanking Dr Ison for his sterling service as Chair of the Committee and presented him with a small gift as a token of appreciation.

Dr Ison thanked the City Solicitor for her kind words and his colleague members for their support during his time as Chair.

No Action

Chair

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