

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on 5 September 2006.

PRESENT: G Fell (Chair)

Councillors Hall, J Jones, B Taylor, and Williams

Parish Council Member:
Councillor I Bruce

OFFICIALS: M Braithwaite, R G Long and D Robinson

****APOLOGIES FOR ABSENCE** were submitted on behalf of R Anderson and D Middleton and Councillors Brady, Clark and T Ward.

**** DECLARATIONS OF INTEREST**

No declarations of interest made at the meeting.

**** MINUTES**

The minutes of the previous meeting held on 6 June 2006 were taken as read and approved as a correct record.

PROTOCOL FOR MEMBERS AND OFFICERS ON GIFTS AND HOSPITALITY

The Director of Legal and Democratic Services submitted a report requesting approval to adoption of a protocol for elected Member and officer use when dealing with the offer or acceptance of gifts and hospitality.

ORDERED as follows:

1. That subject to the following amendments to the protocol and minor changes to the declaration form, the protocol be approved and adopted.

Paragraph 5.1 (viii) Line 9

Delete the word Chair's and insert the word Mayor's ...Charity Fund,....

Paragraph 5.2 - Special Consent Provisions

Last paragraph, following the words ...appropriate consent.... Insert the following

.....as follows: For Members (Monitoring Officer), for officers (CMT).

Paragraph 6.1, Line 4/5

A form for this purpose is attached to this Code. Delete the following words but you can send the same information by any convenient means

2. That copies of the protocol be issued to all Members and be drawn to the attention of Executive Directors / Heads of Service.

PLANNING PROTOCOL

The Director of Legal and Democratic Services submitted a report drawing attention to the issue of lobbying of members of the Planning and Development Committee following a recent incident involving a ward member lobbying on behalf of constituents.

Although members of the Planning and Development Committee had received training in order to deal with planning applications, similar training had not been extended to other Members of the Council nor had a copy of the protocol been issued to them. It was therefore suggested that in order to ensure all Members were aware of the requirements regarding lobbying, a copy of the

protocol be issued as soon as possible and that a copy is included in the Constitution. Arrangements for training would be progressed and be offered to all Members following the 2007 elections.

ORDERED that all Council Members be informed of the requirement not to lobby members of the Planning and Development Committee.

MEMBERS' TRAINING

The Director of Legal and Democratic Services reported that the Council currently had a number of committees that consider applications and appeals etc. Historically, decisions made by those committees were most likely to be subject to challenge in the courts or be referred to the Ombudsman. Although the two main committees affected were the Licensing Committee and the Planning and Development Committee, decisions taken by the Staff Appeals Committee, the Complaints and Appeals Committee and Standards Committee could also be challenged respectively via employment tribunals, the Ombudsman and tribunal.

It was essential that Members serving on the above committees received appropriate and regular training. Licensing and Planning and Development Committee members were also required to undertake compulsory training before being allowed to serve on those committees. No formal training had been provided for members of either Staff Appeals or Complaints and Appeals Committees. Although some training had been provided for the Standards Committee, membership of the committee had since changed.

In order to ensure that new Members were trained appropriately, approval was requested to make arrangements for formal training for Members in relation to the work of the Council's quasi-judicial committees to be delivered following the 2007 Council elections.

ORDERED that arrangements for the provision of appropriate training at the commencement of the 2007/2008 municipal year be approved.

INDEMNITIES FOR MEMBERS – COSTS OF LOCAL INVESTIGATIONS AND DETERMINATIONS

The Director of Legal and Democratic Services reported that following the introduction of the Local Government Act 2000, rules governing the conduct of Members' were amended. The Act established the Standards Board for England and created a new process for the handling and investigation of complaints regarding the conduct of councillors.

In 2000 following debate nationally regarding the conduct of hearings, in particular, the question of whether local authorities could insure Members against legal costs incurred in attending hearings etc., the Council subsequently took out legal indemnity insurance for Members providing cover for legal advice and, where appropriate, legal representation.

In 2004, the Government introduced regulations formally authorising authorities to provide an indemnity for Members or alternatively secure insurance. Regulations indicated that cover for criminal offences, fraud or other deliberate wrong doing or recklessness on the part of the Member may not be covered.

Regulations also stated that where the matters related to standards issues, insurance cover would not be provided if the Member was found to have breached the Code and that was not overturned on appeal, or if the Member admitted to a breach of the Code. The Member in those instances would be required to reimburse the insurance company for any sums expended by the company in relation to those proceedings.

The Director indicated that where Members were the subjects of complaints/investigations, they would be advised of the indemnity provisions.

ORDERED that the report be received and noted and that the Council's existing practices be continued.

STANDARDS BOARD BULLETIN

The Director of Legal and Democratic Services presented a report drawing attention to the following main aspects highlighted in the latest bulletin issued by the Standards Board for England – Issue 30, a copy of which had been circulated previously to elected and co-opted Members of the Council.

- Annual Review – Highlighted the shift of onus for investigation of complaints from the Board to local authorities.
- Investigations – Guidance on cases not to be investigated by the Standard Board.
- Monitoring Local Investigations – Statistics relating to cases referred for local investigation.
- Local Case Summaries – Statistics relating to the number of cases and outcomes of local referrals and investigations.
- University of Manchester Research – Requirement to keep the ethical framework on the agenda of Standards Committees, provision of training programmes and periodic assessments of ethical conduct.

Reference was also made to the previous decision of the committee authorising attendance at the 2006 Annual Conference to be held in Birmingham on 16/17 October 2006 by the Chair, Vice-Chair or substitutes. As neither the Chair nor Vice-Chair would be attending, it was suggested that the places be offered to other committee members.

NOTED

LOCAL GOVERNMENT OMBUDSMAN: ANNUAL LETTER 2005/2006

The Director of Legal and Democratic Services presented a report advising the committee of receipt of the Local Government Ombudsman's annual letter commenting on the Council's performance in respect of complaints to the Ombudsman.

The report provided statistics in relation to the number of complaints made against the Council together with observations on the Council's performance and comments on the general working relationship between the Council and the Ombudsman's office. There had been no findings of maladministration during the year 2005/6. Although there had been a slight increase compared to 2004/5, with the largest single increase relating to housing services, the number of complaints received was still fewer than the previous two years. There had also been a decrease in the number of local settlements. Whilst response times had increased slightly they were well within the 28 day requirement and were felt to be satisfactory.

In order to demonstrate the converse side of the Council's performance, reference was made to compliments received thanking the Council and officers where service users felt that good service had been provided.

Details in regard to changes in liaison arrangements introduced by the Ombudsman's Office meant that rather than complaints being dealt with by a single investigator, investigations were now undertaken by a number of investigators. As a result, it was felt that the previous good liaison arrangements developed with the Council had deteriorated. It was intended that the change would be monitored during the year and a report made back to members.

The Council had taken advantage of training on complaints handling offered by the Ombudsman's Office purchasing two full sessions attended by 48 staff. Feedback from the events had been positive and it was intended that the further opportunities would be made available for staff over the forthcoming year.

A copy of the Local Government Ombudsman's annual letter was attached as an appendix to the report.

ORDERED that the report be noted and approved.