

Standards Committee

1 April 2003

Present: Councillor Mrs F E F Anderson (Chair)
Councillors I O Coates W J Davies
P J Corcoran D M Elderton
L C Jones

Co-opted
Members: Mr J P Haywood

8. MINUTES

The Borough Solicitor and Secretary submitted the minutes of the meeting held on 18 November 2002, and reported that these had been approved by the Council without amendment.

Resolved - That the minutes be approved and adopted.

9. DECLARATIONS OF INTEREST

The Borough Solicitor and Secretary invited members to consider whether they had any personal or prejudicial interests in connection with any of the items on the agenda and, if so, to declare them and state what they were.

No declarations of interest were made.

10. RECRUITMENT OF INDEPENDENT MEMBERS

The Borough Solicitor and Secretary reported concerning the resignation of one of the two independent members (Mrs Veronica Robertson), and advised that, technically, the meeting was inquorate but she felt that the Chair was justified in allowing it to proceed since there was no necessity to make any substantive decisions.

It would be necessary to secure a replacement for Mrs Robertson and, in this connection, she advised that it would be necessary to re-advertise the remaining independent member position (currently held by Mr Paul Haywood, who had indicated that he would be prepared to continue), and she outlined the suggested arrangements for dealing with the appointments, which would be made by the Council after consultation with the party spokespersons. To ensure continuity, it might be recommended that the terms of office of the independent members should be staggered.

STANDARDS COMMITTEE - 1 APRIL 2003

In view of the requirement that Standards Committees should be constituted with a minimum of 25% independent members, and the problems of the present Committee being inquorate if one of only two independent members were to be absent, the Committee was asked to consider whether elected member representation should be reduced, or the number of independent members increased. Mr Haywood reminded members that the Committee had previously expressed a preference for the appointment of a third independent member, and other members indicated that they would be in favour of retaining six elected members.

RECOMMENDED -

(1) That Mrs. Veronica Robertson be thanked for her service to the Standards Committee over the past two years.

(2) That the suggested arrangements for the appointment of independent members be approved, and the party spokespersons consider any applications for independent membership, in consultation with the Borough Solicitor and Secretary, so that a report and recommendation may be made to the Council.

(3) That the Standards Committee continue to comprise six elected members, with three independent members (the latter to have differing terms of office).

11. STANDARDS COMMITTEES' ANNUAL CONFERENCE AND COMPLAINTS INVESTIGATION TRAINING

The Borough Solicitor and Secretary reported that the second annual assembly of Standards Committees would be held at the International Conference Centre in Birmingham on 9/10 June 2003 and submitted details of the programme, which would focus on the practical implications of the local investigation and determination of complaints in the light of the anticipated publication of regulations made under section 66 of the Local Government Act 2000. This would be a significant training requirement for Standards Committee members, and she suggested that appropriate representation might be the three party spokespersons (or their nominees) together with one independent member.

More detailed training would be required for all members of the Committee on the investigation of complaints under the new Section 66 regulations, and the Borough Solicitor and Secretary believed that it would be more effective to organise this training through an external facilitator, possibly in conjunction with other Merseyside authorities.

RECOMMENDED -

(1) That, subject to Cabinet approval, the three party spokespersons (or their nominees) together with an independent member (Mr Haywood) be

authorised to attend the second annual assembly of Standards Committees, to be held in Birmingham on 9/10 June 2003.

(2) That further training for members of the Standards Committee on the investigation of complaints be organised externally, as suggested by the Borough Solicitor and Secretary, in conjunction with other Merseyside authorities.

12. **STANDARDS BOARD - ANALYSIS OF COMPLAINTS**

The Borough Solicitor and Secretary submitted an analysis of 99 of the more common complaints of breaches of the Members' Code of Conduct out of the 2,700 that had been received by the Standards Board between April 2002 and February 2003, and gave a brief indication of the nature of the complaint together with the outcome.

Of the total number of allegations, 55% had been made against parish councils, 20% against district councils and the remainder (25%) against "other" authorities - including county councils, metropolitan districts, unitary authorities and London boroughs. Of these, 43% had been made by other councillors, 41% by council employees (e.g. monitoring officers) and the balance of 16% had emanated from other sources, including members of the public. In 43% of the cases, the complaint had been accepted for investigation by the Standards Board's ethical standards officers, but the remainder (57%) had not, and no further action was proposed: It was likely, however, that some of those complaints could have been referred to Standards Committees for local adjudication had the appropriate regulations been in place.

The allegations had been varied in their nature: 17% concerned failure to register financial interests, 16% alleged bringing the Authority into disrepute, 18% alleged a failure to treat others with respect, and the remaining 37% were categorised as "other". Of the investigations that had been undertaken and completed, half had concluded that there had been no breach of the Code of Conduct, but the remainder had been referred to the Adjudication Panel for further action.

The Borough Solicitor and Secretary advised that one complaint had been made against a member of this Council concerning the disclosure of exempt information; this had been referred to the Standards Board in mid-January, and was currently being investigated. Members expressed concern that the investigative process appeared to be extremely slow, and was likely to impose considerable strain on the members concerned for an unacceptably long period.

Members again expressed the view that it should be possible for less serious complaints to be resolved informally by the monitoring officer in conjunction with Party Leaders, albeit they recognised that the Borough Solicitor and Secretary had no discretion and all complaints made in writing had to be referred to the Standards Board.

Resolved - That the report be noted and the Borough Solicitor and Secretary be thanked for the work involved in compiling this analysis of complaints.

**13. LOCAL INVESTIGATION OF COMPLAINTS BY STANDARDS COMMITTEES
- LEGISLATIVE UPDATE**

The Borough Solicitor and Secretary reported upon the current position in relation to the local investigation and determination of misconduct allegations. To facilitate this process, regulations would be required under section 66 of the Local Government Act 2000, but it had emerged from the consultation process (to which over 1,000 responses had been made) that primary legislation would be required to authorise the making of these regulations and an enabling amendment had been tabled to the Local Government Bill currently before Parliament. Consequently, it was likely the regulations would now be made in two parts: the first part (expected to be published in April) would set out the framework within which Standards Committees could consider reports of alleged member misconduct that had been investigated by ethical standards officers and referred, via the monitoring officer to local Standards Committees to determine the appropriate sanction; the second part (which was unlikely to be available before September) would provide for the actual investigation of less serious complaints by monitoring officers.

When the first set of regulations had been laid before Parliament, the Committee would need to approve a process for hearing complaints, and appropriate training would have to be provided for committee members. An update on the progress of the regulations would be provided for the next meeting of the Committee in June, together with a suggested procedure for conducting hearings. In this connection, monitoring officers in the North West region were considering the possibility of producing a standard protocol which could be used by any local authority that wished to adopt it, and this would cover issues such as procedure, confidentiality and the effectiveness of members and monitoring officers in determining complaints.

Resolved - That the report be noted.

14. STANDARDS COMMITTEE - FUTURE WORK PROGRAMME

The Borough Solicitor and Secretary advised that meetings of the Standards Committee had been included in the committee calendar for the forthcoming municipal year on 18 June and 17 November 2003, and on 25 March 2004, but it was likely that further meetings would be required to consider any investigations of complaints undertaken locally by the monitoring officer or any matters referred by ethical standards officers, and to consider requests by Council members for dispensations in relation to prejudicial interests. In addition, members would need to meet for the purpose of receiving training.

The Borough Solicitor and Secretary also submitted her suggestions with regard to an initial work programme. This envisaged that consideration would be

STANDARDS COMMITTEE - 1 APRIL 2003

given at the June meeting to a proposed procedure for considering members' requests for dispensations and a procedure for dealing with local investigations in the light of the new section 66 regulations; the Committee might also wish to receive the annual report of the Local Ombudsman and a further analysis of complaints made to the Standards Board, together with the employees' code of conduct provided it had been published by the Government in time. The District Auditor had indicated that he would also wish to give a presentation to the Committee at some stage on ethics and probity.

RECOMMENDED - That the report be noted and the initial work programme be approved.
