

STANDARDS COMMITTEE WORKING GROUP

Thursday, 1 March 2012

<u>Present</u>	Councillors	B Davies D Roberts L Rowlands P Williams K Harrison
	Mr	
<u>Apologies for Absence</u>	Councillors	C Blakeley J Salter

1. ELECTION OF CHAIR

RESOLVED:

That Mr K Harrison be elected Chair of the Standards Committee Working Group.

2. MATTERS/ISSUES FOR DISCUSSION

The Head of Legal and Member Services informed the Working Group that as part of its remit it must discuss the following and make recommendations to the Standards Committee, who in turn would make recommendations to the Council, so that a new Standards regime could come into force from 1 July 2012:

- (a) The structure of the standards regime and relevant terms of reference of the future of the Council's Standards Committee/Sub-Committees/Panels;
- (b) The content of the new Members' Code of Conduct;
- (c) The role, description and recruitment process for independent persons;
- (d) The register of Interests and the level of detail to be included;
- (e) The arrangements, procedures and protocols necessary to effectively deal with alleged breaches of the new Members' Code of Conduct;
- (f) The arrangements and procedures to deal with dispensations;
- (g) Members'/Co-opted Members' training needs; and

- (h) Whether a new protocol should be prepared for dealing with and making referrals to the Police in relation to alleged criminal activities/offences.

3. REVIEW AND REVISION OF THE MEMBERS' COMPLAINTS PROCEDURE

The Working Group considered how complaints against Members should be handled in the future and the need to draft a protocol on this. Members were of the view that any new procedures put in place should be open and transparent. They were particularly worried about the sanctions that could be imposed as it was thought that they may not have the 'teeth' needed to curtail bad behaviour. A self regulatory process would need to be put in place to get the message across that Members were responsible for their own actions and to bring about improvements to the Council and the behaviour within it. This may include Members being made to apologise at Council meetings, for any misdemeanours and putting the facts into the public domain. It was also important, in certain circumstances, to put the facts into the public domain when it was found that a Member had no case to answer in order to clear the Members' name.

It was proposed that officers establish what sanctions the other Merseyside authorities intended to use as part of their new Standards regimes. Consultation should begin urgently in order to share best practice.

It was proposed to establish a Complaints Panel and that the pool of Members from which they would be drawn should include not only Standards Committee Members but their deputies as well. For this to work effectively Members' training on the Council's new complaints regime would be required, as soon as possible.

It was agreed that if a complaint met a certain threshold officers would be required to commission an investigation without reference to a Panel and the report would then be considered by the Complaints Panel. If the complaint was not upheld a complainant would have 21 days to appeal to an Appeals Panel. It was agreed that Initial Assessment and Consideration Panels would play no part in the new complaints process.

The Working Party considered how frivolous and vexatious complaints should be handled in future and how the Council could ensure that those Members who were cleared of any wrong doing did not suffer reputational loss. It was proposed that a discretionary process must be defined to consider the nature of a complaint and whether it was based on inaccurate information.

Members were aware, from experience, that there had been a lot of complaints lodged by 'time wasters'. It was proposed that under the

new arrangements the complainant(s) name(s) would be included in the paper work considered by the Panel. There must be a mechanism in place to deal with serious complaints and the Working Group gave consideration to how to make people think about whether to make a complaint in the first place and whether it was possible to include a discretionary exercise to find an alternative avenue to address the matter.

The Working Party was in agreement that the Monitoring Officer's role should not be watered down, and if anything it should be beefed up to stop frivolous complaints from Members about other Members. It was considered that the Group Leaders should also have a role to play in this. The Monitoring Officer could sift out the not so important complaints and try to seek agreement. If agreement was not possible or conflict remained the Monitoring Officer could then engage with the appropriate Group Leader, early in the process, and request his support. The relevant Group Whip would then be asked to deal with the matter appropriately. An appropriate timescale could be put on this process to avoid unnecessary delays.

The Working Group believed that the nature of a complaint should be disclosed to the subject Councillor who should have the right to respond. This would have to be done speedily to avoid relationships becoming fraught. The Working Group agreed that Members should not be kept in the dark, under the new process for handling complaints against them, and should always be told about allegations made against them.

The Working Group also agreed that where it had been determined that there was no case to answer and a complainant Member had gone against advice received, the Council should back the subject Member by issuing an appropriate press release and imposing a sanction on the complainant Member because that Member had signed up to the Members' Code of Conduct. However, this would not apply in the case of complaints against Members by members of the public.

The Working Group wished to see a robust, efficient and effective complaints process in place so that the end point could be reached as soon as possible.

4. MEMBERS' CODE OF CONDUCT

The Working Party was in agreement that the new, revised Code must conform to the principles of selflessness, integrity, objectivity; accountability; openness; honesty; and leadership. It was agreed that trust was very important and again it was vital to share the best practice of neighbouring Councils and Members proposed that meetings be arranged as soon as possible to ensure that this happened. When Members signed up to the new Code on 1 July 2012

the onus would be on them to follow process and be honest and truthful right through.

5. TIMETABLE FOR THE REVIEW OF THE STANDARDS REGIME

The Working Party had regard to the timescales it needed to work to in order for the new Standards regime to be approved by the Council before 1 July 2012 and agreed that in order to carry out the work needed it would be necessary to postpone the next Standards Committee which was scheduled to meet on 12 March 2012 to a later date. The next meeting of the Working Party would be scheduled in two/three weeks time and would consider the new protocol for dealing with complaints about Members and the Members' Code of Conduct.