

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

STANDARDS COMMITTEE MINUTES OF THE MEETING HELD ON 8 FEBRUARY 2010

Independent Members: Mr J Rees (P), Mike Wall (P) and Mr J Bingham (P)

District Councillors: Adrian Edwards (P) David Holtby (P), Owen Jeffery (AP), Gwen Mason (P), Andrew Rowles (P) and Julian Swift-Hook (P)

Parish Representatives: Mr T Bune (P), Mrs C Clemson (AP), Peter Iveson (P), Mr T Renouf (P), Stephanie Steevenson (P)

Council Officers: David Holling, Moira Fraser

16. APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of Councillor Owen Jeffery and Crissy Clemson.

The Chairman welcomed the Members of the Committee and apologised that the meeting originally scheduled for the 11 January had to be cancelled due to inclement weather.

17. MINUTES

RESOLVED that the Minutes of the meeting of the Committee held on 8 September 2009 be approved as a true and correct record and signed by the Chairman.

18. DECLARATIONS OF INTEREST.

There were no declarations of interest received.

19. LOCAL ASSESSMENT OF COMPLAINTS

David Holling introduced the training material; a DVD entitled 'Assessment Made Clear' which had been produced by Standards for England. The Monitoring Officer confirmed that it pertained to a fictitious Council and showed how their Assessment Sub-Committee operated. David noted that West Berkshire Council might take a different approach to some of the issues highlighted in the training material but that these could be drawn out during the discussion at the end of the meeting.

The Committee watched the DVD and then raised a number of queries during the group discussion.

Councillor Julian Swift-Hook noted that pre-assessment activity was referred to. Officers explained that once a formal written complaint was received it had to be presented to an Assessment Sub-Committee (ASC) for a decision. The Monitoring Officers report would draw Members attention to the fact that it was outside of their jurisdiction if this was the case in the accompanying report. Before formal complaints were submitted for consideration by the ASC the Monitoring Officer could use his discretion, if appropriate, to review a matter which might result in it not being escalated to a full complaint. It was not however the Monitoring Officer's role to prevent any complainants from submitting a

STANDARDS COMMITTEE MINUTES – 08 SEPTEMBER 2009 DRAFT

complaint. David estimated that about 10-15% of concerns raised were dealt with in this manner.

Officers noted that the systems that had been put in place appeared to be working well and had been amended as required to reflect best working practice. The Council was also required to submit a quarterly return to Standards for England and this process would assist with highlighting any endemic issues in councils.

Councillor Adrian Edwards was surprised that the DVD stated that it was only recommended that all processes around the assessment of complaints remained confidential. David Holling noted that this was one of the issues in the training material that he would approach differently. West Berkshire Council had opted to keep these matters confidential until the matter reached the Hearing Stage. The Council did not publish the agendas, minutes or decision notices of the Assessment Sub-Committee, Review Sub-Committee or Consideration and Hearing Panel. David noted that this issue had been discussed with fellow Monitoring Officers and they were also adopting this practice.

(Note: Guidance issued by Standards for England stated that initial assessments and any subsequent reviews of decisions should be conducted at closed meetings and were therefore not subject to the requirements under Part 5 of the Local Government Act 1972. These sub-committees were considering unfounded and potentially damaging complaints about councillors which it would not be appropriate to disclose in public.

In deciding whether the Hearing Sub-Committee should be held in public the Monitoring Officer has to decide whether it would be in the public interest to disclose the information. The subject member also has the ability to prohibit the publication of a notice if there has been no failure to comply with the Code of Conduct.)

It was noted that a media protocol had been adopted by the Committee which stated that no press releases would be made by the Council unless a breach of the code was confirmed at the Hearing Sub-Committee. The issue as to whether the meeting should be discussed in public would be raised at the Consideration and Hearing Panel.

Members queried who would determine if the complaint was being made by a suitably senior officer and therefore needed to be referenced up to Standards for England. David Holling explained that the Monitoring Officer would be required to make this assessment. West Berkshire Council also tended to use external investigators which would have an impact on the decision.

The Committee noted that the training material suggested that a complaint could be declared invalid if a significant time had elapsed between the incident occurring and the complaint being made. David Holling noted that this time was not defined in the regulations. He suggested that he would have reservations about any complaints that were received more than three months after an alleged incident.

The Committee discussed the option of 'other action' and noted that this was not a quick fix and was often not a cheap alternative as it could require a significant input in terms of resource including officer time to deliver mentoring, training etc. It also required the co-operation of both the complainant and the subject

STANDARDS COMMITTEE MINUTES – 08 SEPTEMBER 2009 DRAFT

member. The Chairman asked what recourse the Committee would have if the subject member did not want to comply with the Monitoring Officer's direction. David Holling explained that this approach meant that the complaint could no longer be investigated but if the subject member failed to comply the Monitoring Officer could then submit a complaint against them for failing to comply with the advice. The Committee felt that it was important to give careful consideration about using the 'other action' option as it required a degree of certainty that a successful outcome could be achieved.

James Rees noted that the video referred to a potential conflict between ombudsman complaints and those being considered by the Assessment Sub-Committee.

David Holling noted that the ombudsman dealt with complaints about maladministration by the Council. These complaints centred around processes and procedures. The Council would need to ensure that these complaints were dealt with separately so as not to influence each other. Similar procedures would also need to be followed for other investigations including those by the police.

David Holling felt that the local determination of complaints was working well and that wherever possible complaints should be handled locally as the District and Parish Councillors had a better understanding of local issues.

The Committee felt that the training video was very useful and that it would be worth incorporating it into general training for all Members.

(The meeting commenced at 5.00pm and concluded at 6.30pm)

CHAIRMAN

Date of Signature