



**NOTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
WEDNESDAY 30 JUNE 2010**

Held at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road, West
Bridgford

PRESENT:

Chairman	Mr P Joyce QC
Borough Councillors:	R A Adair, C J Evans, K A Khan, F A Purdue-Horan, A MacInnes, B A Nicholls
Parish Members:	R A Brooks, G Norbury and W A Wood
Independent Members:	N Waterston and K White

OFFICERS PRESENT:

D Swaine	Head of Corporate Services (Monitoring Officer)
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1. Declarations of Interest

There were no declarations of interest.

2. Notes of the Previous Meeting

The notes of the meeting of the Committee held on Tuesday 1 December 2009 were accepted as a correct record.

3. Welcome to new Member

The Chair welcomed Councillor Purdue-Horan to his first meeting of the Committee and the Monitoring Officer confirmed that training on the Ethical Standards framework will be provided to Councillor Purdue-Horan in due course.

4. Former Councillor David Barlow

Members of the Committee noted with sadness the passing away of Councillor David Barlow and placed on record a note of thanks for his contribution to the work of the Standards Committee.

5. Future of the Ethical Standards regime for local government

The Head of Corporate Services reported on the future of the Ethical Standards regime for local government following the Government's announcement that its planned Decentralisation and Localism Bill included a proposal to abolish the Standards Board regime. As part of its deliberations on this matter the Committee gave consideration to a letter from Standards for England dated 1 June 2010 confirming the Government's proposal and stating that the organisation would continue to work with local authorities offering

support with the Ethical Standards framework. The letter also indicated that local authorities should continue with their statutory duties in respect to the assessment and review of allegations and also that the Standards for England will continue to consider cases referred to it by local councils. Members of the Committee noted that the letter indicated that, once more detailed proposals emerged, Standards for England would keep local authorities informed of these developments. Commenting further on this, the Monitoring Officer indicated that it was likely any anticipated changes would require primary legislation and, as such, consultation would be undertaken with all relevant stakeholders and interested parties.

Having considered the report and the letter from Standards for England, members of the Committee made a number of points particularly in relation to:

- Standards for England had advised that local authorities should carry on as normal until further details of the Government's proposal were announced
- Standards for England indicated that they would continue to consider cases referred to it by local authorities
- That it was unclear from the Government's proposal what was meant by abolish the Standards Board regime
- How consideration would need to be given to any future arrangements filling the gap left by the abolition of Standards for England, particularly in relation to the referral of complaints and the imposition of sanctions beyond that which local authority Standards Committees could administer

The Chair sought clarification of when it was anticipated a consultation document would be published by Government. In response the Monitoring Officer indicated that this was not yet clear and responding to such consultation may require a special meeting of the Committee to facilitate this. He additionally advised that if the Committee felt strongly about the Government's proposal it could send a letter to the relevant Government Department or to Standards for England outlining these prior to any formal consultation process beginning. There followed a further discussion regarding the matter with the following points raised by Committee members:

- The impact of the Government's proposal on the public's perception of an independent and transparent complaints regime for Elected Members
- The arrangements before the implementation of the existing Ethical Standards regime and the modifications required to legislation to provide changes to the current arrangement
- The implementation of any transitional arrangement

Having considered the information now reported the Committee **agreed** that the letter from Standards for England be sent to the Parish Councils with a covering letter explaining they will be kept informed of any further developments with regard to Government proposals as and when necessary.

6. Annual Review 2009/10

The Committee gave consideration to the report of the Monitoring Officer which provided information on the number of complaints received in 2009/10. The report also highlighted training activity undertaken and set out details of the annual return to Standards for England.

The report highlighted that between 1 April 2009 to March 2010 four complaints were received, three involving Borough Councillors and one involving a Parish Councillor. These complaints were listed in Appendix 1 of the report which also set out the decision of the Assessment Sub-Committee and the Review Sub-Committee where applicable. The table also set out the composition of the two sub-committees and indicated that two of the complaints were made by Councillors with the other two being made by members of the public.

Appendix 1 also indicated that two cases had resulted in a 'no action' decision and two cases were referred to the Monitoring Officer for investigation, one by the Assessment Sub-Committee and one by the Review Sub-Committee. The report stated that case reference M2/09 was heard by the Hearings Sub-Committee on 16 June with the decision of the sub-committee being that there had been a breach of the Code but that no sanction was necessary. However, the Committee noted that case M4/09 was still under investigation and the next stage of this to be considered by a Consideration Sub-Committee to determine if it was necessary for the matter to be referred to a Hearing Sub-Committee.

The report also indicated that final investigation reports had been received on two complaints in 2008/09. In both of these cases the investigation concluded that there had been no breach of the town council's Code of Conduct as these complaints related to parish matters. The recommendations of the investigator had been accepted by the Consideration Sub-Committee in February 2010.

With regard to a national comparison, the report set out the number of cases received under the local filter arrangements from their introduction in May 2008 to September 2009 outlining the figure of 4,283. 35% of these had been referred for local investigation or referred to Standards for England, 12% had been referred to Monitoring Officers for other action with the remainder being 'no action' decisions. This compared with the position at Rushcliffe which was four of the eleven complaints received being referred for investigation since the introduction of the new arrangements, with the remainder resulting in 'no action'. Members of the Committee gave detailed consideration to the table attached to the report at Appendix 1 setting out a summary of Assessment/Review Cases and, as a result, Committee members made a number of comments particularly in relation:

- That the table did not include Consideration Sub or Hearings Sub-Committees

- That members of the public considering the table were unable to see how some cases had concluded because it did not include stages beyond that of the Review and Assessment
- Standards for England had indicated they no longer wished to receive annual returns or quarterly returns required as part of the Ethical Standards regime.

Commenting on the returns required to Standards for England the Chair sought clarification of how this had been communicated to Monitoring Officers. He then went on to explain that if this was a statutory duty it would be prudent to ensure that Standards for England had clarified this so that the authority was not negligent in the discharge of this duty. In response the Monitoring Officer indicated that he would make the necessary check to ensure this was correct and if necessary contact Standards for England seeking clarification.

In response to comments by Councillor Chris Evans, the Monitoring Officer stated that future reports to the Committee would include a revised table in respect of the number of complaints received and dealt with. He indicated that this table would set out all the relevant stages so that the members of the public, when viewing this information from the Council's website, would be able to track how complaints had progressed through the whole process and not just at the Assessment and Review stages.

Commenting further on the report the Monitoring Officer outlined the training sessions that had been undertaken in relation to Ethical Standards matters particularly the two sessions on Probity and Planning delivered by the Council's Senior Solicitor in February 2010. He explained that these had been attended by a total of 26 Council Members. Committee Members were reminded that they had been shown a training DVD on the Assessment process which had been produced by Standards for England and this had been considered by the Committee at its meeting on 15 July 2010.

The Monitoring Officer went on to explain that the proposed training on the prospective new Code of Conduct had been deferred pending publication of the amended Code. He indicated that as the new Code had still not been published, and in light of the Government's stated intention to abolish the Standards Board regime, it would be doubtful as to whether it would ever be published. He indicated that should Government indicate a revised Code of Conduct was to be implemented then this would be a matter to be considered at a future meeting of the Committee as and when necessary.

Having considered the Annual Review 2009/10 the Committee agreed that the Monitoring Officer would make amendments to the table presented in the report at Appendix 1 when the matter was considered at future Committee meetings in order that members of the public were able to see how complaints had progressed through all the relevant stages of the Ethical Standards Framework.

The meeting closed at 7.40 pm.